

**This report is a recommended response to the Scottish Government's Energy Consents Unit (ECU) consultation on the Section 36 Consultation for Cnoc Buidhe Wind Energy Hub, comprising a wind farm of up to 29 wind turbines, with 14 of these up to 180m to blade tip and 15 up to 200m to blade tip, with an ancillary battery energy storage system and associated infrastructure approx. 2.5km East of Belochantuy and 10km Northwest of Campbeltown.**

**Reference No:** 25/00600/S36/ ECU00004767  
**Applicant:** Cnoc Buidhe Wind Energy Hub Limited  
**Proposal:** S36 Consultation: Cnoc Buidhe Wind Energy Hub, comprising a wind farm of up to 29 wind turbines, with 14 of these up to 180m to blade tip and 15 up to 200m to blade tip, with an ancillary battery energy storage system and associated infrastructure.  
**Site Address:** Approx. 2.5km East of Belochantuy and 10km Northwest of Campbeltown

## **(A) THE APPLICATION**

**The Section 36 Application comprises the following key elements:**

- Up to 29 wind turbines, with a maximum tip height varying between 180m - 200m (14 at 180m to blade tip and 15 at 200m to blade tip) (potentially with an external transformer)
- Aviation safety lighting (8 turbines with visible lights)
- Foundations supporting each wind turbine.
- Crane hardstandings at each turbine location
- Watercourse crossings and associated infrastructure
- Approx. 17.7km new access tracks and 9.8km upgraded existing tracks.
- Onsite underground electrical cables and trenches
- A control building and substation
- A Battery Energy Storage System (BESS) with an indicative capacity of up to 108.6MW.
- Habitat management and restoration proposals, including up to 177.5ha of peatland restoration plus an additional 6.4ha of mixed broadleaf planting.
- Compensatory planting
- Two temporary construction compounds, laydown areas and car parking
- Felling of 568.8ha to accommodate infrastructure, wider forestry management and peatland restoration proposals
- One temporary borrow pit; and
- Approx. 0.5 km of new temporary excavated track to facilitate access to the onsite borrow pit from the forestry track to the west of T28.

The generation capacity of the wind turbines will be approx 191.4MW and the capacity of the BESS will be 108.6MW. Permission is sought to operate the proposal for a period of 40 years.

**Connection to Electricity Grid** - The power produced by the wind farm (and stored in the BESS) will be transmitted to the substation via underground cables. A connection to the national grid will be required. The Applicant holds a grid connection offer of 2029. The grid connection does not form part of this application. A separate

Section 37 application will be made to the Scottish Ministers by Scottish and Southern Energy Networks (SSEN).

**(B) RECOMMENDATION:**

**That the ECU be notified accordingly that:**

- (1) Ornithology** - Argyll & Bute Council has been **unable to reach a conclusion on ornithology** due to the **outstanding information** requested by NatureScot in respect to a kernel analysis for golden eagle and alternative raft locations for Osprey.

Furthermore, the Council **does not agree** that a suspensive condition is the best mechanism to secure the removal of five wind turbines in the interests of mitigating barrier effects on Greenland white-fronted geese. It is considered that this amendment to the proposal would constitute a material change which could have implications for the wider proposal that are unclear at this time and require to be explored e.g. environmental impacts, infrastructure re-design, and requirement for re-consultation. To apply such a condition could result in an unreasonable and unimplementable consent.

Argyll & Bute Council **OBJECT** unless this **important mitigation** to protect Greenland white-fronted geese is undertaken in **advance** of determining this application. It is, therefore, recommended that the proposal should be amended accordingly and be subject to a further period of formal consultation prior to any determination by the ECU or Scottish Ministers.

- (2) Peat Landslide Hazard Risk Assessment** - Argyll & Bute Council has been **unable to reach a conclusion in respect to the Peat Landslide Hazard Risk Assessment** (NPF4 Policies 5 and 11 and LDP2 30 and 79) as no response has been provided by Ironside Farrar on the further information provided by the Applicant. Argyll & Bute Council **OBJECT** unless this issue is resolved to the satisfaction of Ironside Farrar prior to determination of this application by the ECU. Should this issue not be resolved the Council would defer to Ironside Farrar (or any other body appointed by the ECU to provide expert guidance on this matter) in the event of a PLI.

- (3) Scottish Forestry** – Argyll & Bute Council **has been unable to reach a conclusion within the time afforded in respect to Forestry** as no updated response has been provided by Scottish Forestry to clarify they are satisfied with the Applicant's response. Argyll & Bute Council are therefore not in a position to confirm whether the proposal is consistent with the relevant provisions of NPF4 Policies 6 and 11 and LDP2 Policies 77 and 78 and would recommend that the ECU consider these matters prior to determination.

- (4) Archaeological Impact** - Argyll & Bute Council has **no objection in respect to Archaeological Impact**, subject to a condition and informative to secure the recommendations of the West of Scotland Archaeology Service being attached to any grant of consent for a Written Scheme of Investigation (WSI) for archaeological mitigation measures and an advisory note that the Applicant ensures they have all necessary legal permissions for any elements of their archaeological mitigation. Specifically, in regard to the RAF Hudson aircraft crash site mitigation proposals which may require a license from the MoD if it is to be disturbed.

- (5) **Public Access** - Argyll & Bute Council has **no objection in respect to Public Access** subject to **advisory notes** being attached to any consent to ensure that any Access Controls i.e. gates, and cattle grids comply with the **British Horse Society Guidance**. Furthermore, that public access during construction should comply with **NatureScot guidance 'Good practice during wind farm construction.'**
- (6) **Landscape & Visual Impact** - Argyll & Bute Council has **no objection in respect to landscape and visual impact** subject to a condition to secure further aviation lighting mitigation in the form of an Aircraft Detection Lighting System being attached to any consent.
- (7) **Biodiversity Impact** - Argyll & Bute Council has **no objection in respect to Biodiversity Impact**, subject to conditions to secure the recommendations of the Local Biodiversity Officer being attached to any consent.
- (8) **Noise Impact** - Argyll & Bute Council has **no objection in respect to noise impact**, subject to suitably worded conditions to limit the noise levels, tonality, and amplitude modulation to control noise levels from the proposal and provide appropriate noise mitigation as recommended and agreed by the Council's Noise Consultant being attached to any consent.
- (9) **Flood Risk** - Argyll & Bute has **no objection in respect to flood risk** subject to conditions to secure the recommendations of the Flood Risk Assessor being attached to any consent:
- To ensure watercourse crossings are designed to convey the 1 in 200 year plus climate change flood event.
  - Surface water drainage is designed in accordance with CIRIA C753 and ensures that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.
- (10) **Argyll & Bute Council requests that all conditions recommended by other consultees are included in any Consent with exception to the condition requiring removal of 5 turbines referred to at (1) above.**

## (C) CONSULTATIONS

### ENERGY CONSENTS UNIT RESPONSES

**NatureScot** (8<sup>th</sup> August 2025) – advised the ECU they object until further information is obtained from the Applicant on barrier effects on the Kintyre Goose Roosts SPA. Once this is provided, they will give the proposal further consideration. In respect to disturbance effects they object unless conditions to control the timing of borrow pit blasting activities are applied to any consent to ensure works are undertaken to avoid significant disturbance of wintering Greenland white-fronted geese roosting in Lussa Loch.

Golden eagle – NatureScot do not consider that the effects of habitat/range loss/territory impact for golden eagle have been adequately assessed. A kernel analysis of the most recent full year (minimum) is required to help them understand the extent of this territory.

Osprey – to reduce the risk of collision mortality, NatureScot advise that alternative osprey nesting platforms should be provided further away from the proposal to reduce the risk of collision mortality i.e. to the east of Lussa Loch.

OCEMP & subsidiary plans – the proposals contained in the Outline Construction Environmental Management Plan appear to be broadly appropriate for: pollution prevention, protection of protected species and sensitive bird interests and biodiversity enhancement.

Aviation Lighting – it would be worthwhile exploring further mitigation using ADLS.

Advice is also provided on the North Arran NSA, Kintyre Goose Lochs SSSI, Bellachantuy and Tangy Gorges SSSI/GCR. NatureScot defer to Argyll & Bute Council with regards to potential significant adverse effects on local landscape designations.

**Additional Information** – Ornithology (October 2025) – submitted by the Applicant.

**Additional Information - NatureScot** (21<sup>st</sup> November 2025) – provided further advice to the ECU in relation to potential barrier effects on the Kintyre Goose Roosts SPA. They advised they object unless the proposal is amended/made subject to conditions so that works are done strictly in accordance with their required changes/mitigation.

Golden eagle – they note the Applicant has not submitted previously requested kernel analysis of the most recent full year of satellite tag data for golden eagle. Their advice remains that until this information is submitted, they cannot make a full assessment of the likely effect of the proposal.

Habitats Regulations – they advise that as the proposal could affect the Kintyre Goose Roosts SPA protected for its Greenland white-fronted goose the site's status means the requirements of the Conservation (Natural Habitats &c) Regulations apply, and the ECU is required to consider the effect of the proposal on the SPA by carrying out an appropriate assessment. Kintyre Goose Roosts Ramsar site and Kintyre Goose Lochs SSSI may also be affected but the interests of these designations are fully addressed as part of the consideration of the SPA. To help the ECU do this NatureScot have advised that if the proposal is undertaken strictly in accordance with the following changes/mitigation, the proposal will not adversely affect the integrity of the site:

Changes - the proposal shall be amended to remove the five most southwest turbines, 15, 24, 26, 28 and 29. Reason: to maintain a clear functional 'corridor' to accommodate the displacement effect on the established flight path between Tangy Loch and Glenbarr.

Mitigation - A programme of Post Construction Monitoring shall be created and funded by the Applicant for satellite tagging of Greenland white-fronted geese in the area, subject to agreement with NatureScot, for at least two years post commissioning. Reason: to help understand cumulative barrier effects arising from the proposal on Greenland white-fronted geese.

**Clarification notes from Applicant** (28<sup>th</sup> November 2025) – the Applicant provided a clarification note in response to NatureScot's objection.

**NatureScot response to Applicant's Clarification note** (18<sup>th</sup> December 2025) – advised the ECU this advice is provided further to that contained in their previous responses, in relation to the mitigation of potential barrier effects to the Kintyre Goose Roosts SPA. NatureScot provide their views on the applicant's clarifications.

Condition – in principle NatureScot are happy to work towards agreeing a condition. However, they have concerns with the condition proposed by the Applicant. It is agreed that the consented Tangy IV forms part of the baseline for consideration of cumulative effects. However, there is disparity on the status of the Variation Application for Tangy IV and its implications for any consent that may follow. It is NatureScot's understanding that the Variation Application will consider only limited aspects of the proposal – turbine dimensions and minor layout changes within micro-siting tolerances. The number of turbines (16) has been established and will not be revisited. There is therefore no mechanism to reduce the number of turbines in Tangy IV (consented or varied). Consequently, the proposed condition is not appropriate.

If a suspensive condition is to be applied, 1(ii) should include wording that also pertains to any Varied Development that may be consented at Tangy IV as a result of a Variation Application, given that the principle of the proposal comprising 16 turbines is already established and cannot be varied, unless made subject of a Variation Application by the Applicant. It remains NatureScot's view that the only means to secure the mitigation they deem necessary is the removal of five turbines to mitigate the barrier effects on Greenland white fronted geese. The responsibility for determining the most appropriate mechanism to secure this mitigation lies with the ECU and Argyll & Bute Council.

The Applicant asks whether their proposed condition is sufficient for NatureScot to "remove their objection." This is a misunderstanding of NatureScot's position. The purpose of a conditioned objection is to secure changes/mitigation that are deemed necessary to protect nationally and/or internationally important natural heritage interests. The response has the status of an objection if conditions to secure mitigation are not attached to any consent granted by Scottish Ministers. The objection cannot be removed by providing the wording of the condition. It is the act of applying the condition to any consent that will have the effect of removing it.

**RSPB Scotland** (8<sup>th</sup> August 2025) – advised the ECU they have no comment.

**Historic Environment Scotland (HES)** (16<sup>th</sup> May 2025) – advised the ECU the proposal does not raise historic environment issues of national significance, and they do not object. Scheduled monument consent may be required for some of the proposed forestry works. They recommend a condition to ensure that Killochcup marked stone and Dun a'Bhuic dun SW of Cleongart are fenced off to mitigate the risk of accidental damage during construction.

**Scottish Forestry** (4<sup>th</sup> June 2025) – advised the ECU that further information should be provided in the Forestry Plan to demonstrate full compliance with the UK Forestry Standard. The Applicant should provide an assessment, as per the "Deciding future management options for afforested deep peatland," to determine if the Priority Habitat restocking exemption applies. The Applicant should clarify the total area of woodland loss to ensure that the correct area of compensatory planting is applied. Compensatory planting for the woodland lost, other than that converted to Priority Habitat peatland, should be secured by a condition to any consent. It is not clear whether forest lost to new roads has been included in the woodland loss figure and this should be clarified. The appropriate consenting route required to accommodate

construction, including infrastructure and management felling, totalling 1,041.3ha and restocking of management felling areas and compensatory planting relating to permanent woodland loss would be the S36 consent. Any felling and restocking not required for the development should follow the usual consenting routes under the Forestry and Land Management (Scotland) Act 2018.

**Applicant Response to Scottish Forestry** (11<sup>th</sup> July 2025) – provided the following response to Scottish Forestry:

- The Forest Plan would be produced by a professional forestry consultant who will ensure it is delivered to UKFS standards.
- Alongside the Forest Plan, they will undertake an assessment using the Forestry Commission Practical Guide: *“Deciding future management options for afforested deep peatland (2015)”* and engage professional support from an ECoW during the delivery of restoration works to ensure these meet the assessment criteria.
- The total area of woodland loss will be determined prior to construction when the detailed infrastructure footprint and replanting areas are confirmed.
- The Applicant is happy to secure the compensatory planting requirement via condition, with the final wording to be agreed.

**Transport Scotland (TS)** (15<sup>th</sup> May 2025) – advised the ECU they have no objection subject to conditions being attached to any consent to secure submission and approval of a Construction Traffic Management Plan (CTMP), the route for abnormal loads, abnormal load accommodation measures required, and any necessary additional signing or temporary traffic control measures. In addition, advisory notes are provided relating to works within the trunk road boundary.

**SEPA (Scottish Environment Protection Agency)** (21<sup>st</sup> May 2025) – advised the ECU they object due to impacts on peat. They will reconsider their position if the proposals are modified to address issues relating to the relocation of T1, T3, T5, T7, T14 and T27 to shallower peat, modification of T3 track layout, relocation of the track to T25. In addition, SEPA request conditions relating to enabling works, geotechnical clerk of works, construction, and environment management plan, borrow pits – scheme of works, forestry, peat and carbon rich soils, and decommissioning, restoration and aftercare are attached to any consent. If these will not be applied, then SEPA object.

**Applicant – Justification Note to SEPA** (30<sup>th</sup> September 2025) - the Justification Note provided to the ECU contains plans showing adjusted locations, with reduced peat impacts, of the infrastructure identified in SEPA's response. The adjusted infrastructure locations are all contained within micrositing allowances assessed as part of the S36 application and so no additional environmental impacts requiring assessment result.

**SEPA** (10<sup>th</sup> October 2025) – advised the ECU they withdraw their objection subject to conditions outlined in their previous response and a further micrositing condition. If these will not be applied, then SEPA object.

**Health and Safety Executive** (21<sup>st</sup> October 2025) – advised the ECU they have no comment.

**Vodafone** (17<sup>th</sup> October 2025) – advised the ECU they have no comment.

**Argyll District Salmon Fishery Board (ADSFB)** – the ECU advised ADSFB were consulted but did not respond.

**Scottish Water** Scottish Water (17th April 2025) – advised the ECU they have no objection. Advice is provided on surface water and drinking water protected areas.

**Ironside Farrar, Peat Landslide Hazard Risk Assessment (PLHRA), Stage 1 Checking Report** (PLHRA) (25<sup>th</sup> July 2025) – advised the ECU The PLHRA required minor revisions.

**Applicant response** (1<sup>st</sup> December 2025) – provided a response to Ironside Farrar's Stage 1 Checking Report comments. At time of writing no further response has been received from Ironside Farrar.

**Defence Infrastructure Organisation (DIO)** (15th May 2025) – advised the ECU that, subject to the conditions to secure Aviation Lighting and Aviation Charting and Safety Management, they have no objection.

**NATS Safeguarding** (22nd April 2025) – advised the ECU the proposal conflicts with their safeguarding criteria. Accordingly, NATS (En Route) plc objects.

**Note from Energy Consents Unit** (22<sup>nd</sup> July 2025) – the ECU advised it has been agreed NATS Safeguarding objection is withdrawn on the basis that should Scottish Ministers decide to grant consent an appropriately worded condition will be imposed which will mitigate the unacceptable impacts on the operation of the primary radar located at Lowther Hill and associated air traffic management operations.

**NATS Safeguarding** (18<sup>th</sup> July 2025) – advised the ECU they are content with the proposed condition and if the Scottish Government is minded to grant consent subject to its imposition, then they can treat NATS objection as withdrawn.

**Glasgow Prestwick Airport** (GPA) Glasgow Prestwick Airport (GPA) (14th April 2025) – advised the ECU they have no objection.

**Highlands & Islands Airport** (19<sup>th</sup> May 2025) – advised the ECU the following submission of an updated Instruments Flight Procedure Assessment they have no objection subject to a condition to secure confirmation from the operator of Campbeltown Airport that an Instrument Flight Procedure Assessment has demonstrated that an IFP Scheme is not required or an IFP Scheme has been approved by the Airport Operator and the Civil Aviation Authority has confirmed its approval and it has been submitted to NATS in the interests of aviation safety to secure mitigation and ensure the development does not alter traffic patterns or impact the safety of Campbeltown Airport.

**Office for Nuclear Regulation** (14th April 2025) – advised the ECU they have no comment.

**British Horse Society** (16th May 2025) – provided advice to the ECU on Outdoor Access management for equestrian users, and guidance on managing woodland and forestry access and drivers of large vehicles.

**West Kintyre Community Council** (June 2025) – have advised the ECU they object on the grounds of landscape & visual impact (including cumulative), impact of aviation lighting on dark skies, ancient heritage sites, ornithology – loch Lussa, SSSI, SPA, Kintyre Ramsar, endangered white front Greenland geese and other species,

potential damage to health from infra sound, economic, tourism and recreational impact, potential environmental damage and pollution from lithium battery fires/explosions, community benefit – electricity discount letters sent to households during the formal consultation may discourage objections, and Allt Domhain is not included in any documentation.

**East Kintyre Community Council** (14th April 2025) – have advised the ECU they object on the grounds of Socio-Economics & Tourism Amenity including lack of full economic assessment based on Kintyre tourists including attractions such as the Kintyre Way, Route 66, West Coast Water and the area's dark skies, adverse visual impact from these important tourism attractions, including Loch Lussa, the Kintyre Way and Peninver, the Kintyre peninsula's fragile socio-economic designation in the LDP2, and, the destruction of views from two top tourist spots – Peninver and the Kintyre Way.

**Campbeltown Community Council** (16<sup>th</sup> December 2025) have advised the ECU they have no significant objection. However, they do have a caveat with regard to the proposed energy storage scheme with the potential fire risk of lithium-ion batteries. Given that Cnoc Buidhe is situated in an area of peat, a fire would be difficult to control. This would be well outside the capability of our local rural fire service.

**BT** (15th April 2025) – advised the ECU they have no objection. BT requires 100m minimum clearance from any structure to the radio link path.

**Joint Radio Company** (23rd April 2025) – advised the ECU the proposal is cleared subject to 50m micro-siting with respect to radio link infrastructure operated by the local energy networks.

**North Ayrshire Council** (3<sup>rd</sup> September 2025) – advised the ECU that consideration should be given to the potential impacts on the North Arran NSA.

### **Argyll & Bute Council Consultee Responses**

**Consultant Landscape Architect** (21<sup>st</sup> August 2025) – recommends no objection in respect of landscape and visual interests. The significant landscape effects are limited to within 5 km, and visual effects to within 16 km, of the site. The proposals have gone through an appropriate iterative design process, which has included mitigation where it is appropriate to do so, followed design advice provided by Argyll & Bute Council, NatureScot, and Historic Environment Scotland (HES), and focused on reducing impacts at sensitive receptors. This process is clearly set out in the EIAR. Key design revisions include: the reduction in turbine numbers from 33 to 29; a revision of the proposed tip heights from 230 m to an even mixture of 180 m and 200 m; relocation of turbines into the interior of the site, away from the highly sensitive coast and residential receptors; and the adoption of all recommended and currently available aviation lighting mitigation measures.

**West of Scotland Archaeology Service (WOSAS)** (13<sup>th</sup> January 2026) – have advised they have no objection to the proposal subject to a condition to secure a Written Scheme of Investigation (WSI) for archaeological mitigation measures and also ask that the Applicant be advised to ensure that they have all necessary legal permissions for any elements of their archaeological mitigation that lie out with the planning system. Specifically, in regard to the RAF Hudson aircraft crash site mitigation proposals which may require a license from the MoD if it is to be disturbed.

**Local Biodiversity Officer** (4<sup>th</sup> July 2025) - requested further information and amendment: the Plantlife survey including proposed mitigation and enhancement along Drumore Burn, relocation of the hardstand area near T29 to avoid sensitive habitat, fish and Fresh Water Pearl Mussel surveys, a Species Protection Plan to include mitigation for bats, small pearl-bordered fritillary butterfly, reptiles and amphibians. Fish and freshwater pearl mussel should also be included, dependant on the results of the surveys, and a more detailed Biodiversity Enhancement Plan including details of riparian planting in the Drumore Burn Regeneration Management Area, monitoring and management of tree species, and deer. Consideration should also be given to opportunities to enhance habitat for small pearl bordered fritillary butterfly and inclusion of hibernacula for reptiles and amphibians.

**Applicant Response to Local Biodiversity Officer** (11<sup>th</sup> July 2025) - provided further information on Drumore Burn, T29 hardstanding and GWDTEs, and fish and freshwater pearl mussels.

**Local Biodiversity Officer** (LBO) (18<sup>th</sup> August 2025) – provides advice and recommendations on: NatureScots objection and requirement for conditions, Atlantic temperate rainforest along Drumore Burn, Construction Environment Management Plan, SEPA – deep peat, bat mortality monitoring and mitigation, Species Protection Plan, Pine Marten, Small Pearl-Bordered Fritillary Butterfly, Amphibians and Reptiles, Biodiversity Enhancement Plan, fish and freshwater pearl mussel, ornithology, cumulative impact, Bird Protection Plan, Biodiversity Enhancement Strategy, and peatland restoration,

**Noise Consultant** (June 2025) - conclude that, in general, good practice has been adopted by the Applicant, with a few issues identified. The most significant of these issues are that confirmation there are no derelict residential properties within the study area is not given. Minor observations include errors in the reporting of the grid references of baseline noise monitoring locations.

The Applicant has also applied a lower fixed limit (non-financially involved) of 43 dB LA90 for the night-time period. The Noise Consultant recommends that a lower fixed limit of 38 dB LA90 is adopted, and the updated values are provided.

Following a satisfactory response to these issues, it is considered there would be no reason to object on noise grounds, subject to a suitable condition to limit the noise levels, tonality, and amplitude modulation to control noise levels from the proposal.

**Applicant's response to Noise Consultant** (11<sup>th</sup> & 16<sup>th</sup> July 2025) – the Applicant corrected the discrepancies in the grid references of baseline monitoring locations. They confirmed that when identifying properties to assess within the study a review was undertaken of satellite imagery and OS Address Base data. All relevant residential properties identified from this process were considered as part of the noise assessment. Consequently, the Applicant is not aware of any derelict residential properties in vicinity of the proposal.

With regard to the proposed noise condition, the Applicant states that it looks appropriate in principle and they are happy to follow best practice guidance when drafting conditions. However, the Applicant notes the UK Government has released a consultation on Assessment and rating of wind turbine noise guidance which discusses both a consistent night and day-time fixed limit, and inclusion of Amplitude Modulation. Given this ongoing, and pertinent, consultation they suggest discussing condition wording at a later date with updated guidance in place.

**ABC Noise Consultant** (6<sup>th</sup> August 2025) - confirmed the Applicant's response is reasonable, however, note there is no guarantee on the timeline of introduction of the new Government guidance.

**ABC Roads and Infrastructure Services (RIS)** (14th April 2025) – no objection subject to conditions to ensure the site is accessed from the A83 Tarbet – Campbeltown Trunk Road. Strictly no direct access from any Argyll & Bute Council Road and a Traffic Management Plan to be submitted for approval by RIS, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components, and labour required during the construction works. Furthermore, RIS note the use of borrow pits but appreciate additional materials may be sourced from local quarries. RIS are concerned about the possible impact on the local road network. Depending on the Traffic Management Plan, RIS may require road condition surveys to be conducted.

**Additional Information – ABC Roads and Amenity Services (RIS)** (20<sup>th</sup> November 2025) – no objection subject to conditions to ensure the site is accessed from the A83 Tarbet to Campbeltown Trunk Road. Strictly no direct access from any Argyll & Bute Council Road and a Traffic Management Plan to be submitted for approval by RIS, prior to work starting on site. The Traffic Management plan (TMP) should include details of all materials, plant, equipment, components, and labour required during the construction works. Note - Depending on the TMP, RIS may require road condition surveys to be undertaken.

The site connects directly to the A83 Tarbet to Campbeltown Trunk Road approximately one mile north of Bellochantuy, Transport Scotland should be notified.

RIS note this junction *“will provide access to the Proposed Development for all abnormal loads associated with the turbine deliveries, as well as access for Heavy Goods Vehicles (HGVs) delivering construction materials and general site traffic”* with traffic travelling north and south on the A83(T) through to the junction.

Significant volumes of material are required to support construction, which includes construction of approx. 18km of new access track and 10km of upgraded track. Whilst it is noted the Applicant recognises *“To seek opportunities to obtain site-won stone for construction purposes and thereby minimising construction traffic volumes through exploring borrow pit options”* RIS further notes that the borrow pit assessment concludes *“The borrow pit has the potential to provide approximately 45% of the estimated aggregate requirement for the Proposed Development (minus concrete aggregate) assuming 50% suitability of excavated material”*. RIS is therefore concerned about the possible impact on the local road network.

**Flood Risk Assessor** (6th May 2024) – no objection subject to conditions to ensure any proposed watercourse crossings are designed to convey the 1 in 200 year plus climate change flood event and that surface water drainage is designed in accordance with CIRIA C753 and ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

**Access Officer** (12<sup>th</sup> January 2026) – has no objection in respect to Public Access subject to advisory notes being attached to any consent to ensure that any Access Controls i.e. gates, and cattle grids comply with the British Horse Society Guidance. Furthermore, that public access during construction should comply with NatureScot guidance 'Good practice during wind farm construction.'

***Please note: the above are summaries and the full consultee responses can be viewed on the Energy Consent Unit and Argyll & Bute Council websites.***

**(D) HISTORY:**

**23/00598/SCOPE** - Scoping opinion for proposed S36 application for Cnoc Buidhe wind farm, Cnoc Buidhe wind farm, West Lussa Forest, Campbeltown – Opinion issued 19<sup>th</sup> June 2023

**(E) PUBLICITY:**

As the Council is not the Determining Authority the ECU oversees the Publicity of the application.

**Public Consultation** – Whilst not a statutory requirement for S36 applications, the Applicant has undertaken Public Consultation. Public exhibitions were held in November 2022 and 2023. A summary of the representations received during the public exhibitions is provided in the Pre-Application Consultation Report (March 2025) which accompanies this S36 application available on the ECU website (reference ECU00004767).

**(F) REPRESENTATIONS:**

As the Council is not the determining Authority the ECU considers any representations. At time of writing, they are in receipt of 51 representations made up of 12 objections and 39 letters in support. The key issues are summarised below:

**In Support**

- Will help Scotland meet renewable energy targets.
- Renewable energy is critical to address climate change.
- Proposal is well located within an existing wind farm cluster.
- The proposal will help boost the local economy – supply chain commitments, local ownership, electricity discount scheme, rent and business rates.
- Wind turbines are an excellent solution to energy issues.
- They are not an "eyesore."
- Cnoc Buidhe would power over 230,00 homes helping tackle Climate Change and ensuring increasing energy demands are met by the lowest cost generation that reduces bills and means we do not need to rely on imported fuels and power and their highly volatile prices.
- Cnoc Buidhe includes approx. 180 ha of Peatland Restoration, alongside Native Broadleaf Planting and regeneration of Atlantic Temperate Rainforest. This will increase the biodiversity in the area and protect the environment for future generations.
- Cnoc Buidhe has committed to £5000/MW of Community Benefit Fund likely to represent approx. £1,000,000 each year for 40 years. This will be used to fund an Electricity Discount Scheme for local residents and businesses, offering annual discounts of between £700 - £150 on electricity bills.
- Cnoc Buidhe has signed a Memorandum of Understanding with EKREG offering 1% of Community Ownership for free, an additional 4% at cost and more at market rate if there's appetite.

- Cnoc Buidhe will help boost the local economy through prioritisation of local suppliers and contractors. Contracts will be awarded to local businesses that meet the minimum requirements and are within 10% of the best quote tendered.
- Cnoc Buidhe is expected to generate significant benefits for the Argyll & Bute economy including £28m Gross Value Added and four hundred job years generated during construction and development, plus £1.4m GVA and c. £3.4m in non-domestic rates per year during operation (40 years).

### **Against**

- Public Inquiry – objectors would like to be kept informed and included.
- Historic Environment, Archaeology, and Listed Buildings
- Biodiversity, Ecology & Ornithology – rainforest, bird flight paths, roosting Kintyre geese, migrating Greenland white-fronted geese owls, hen harriers, eagles, and black grouse.
- Scale of development – over intensification
- Adverse landscape and visual impact
- Impact of aviation lighting on dark skies
- Misleading photomontages of VP's - Drumore Na Bodach, Bellochantuy Beach
- Noise and Acoustic Environment, health, amplitude modulation, infrasound
- Transportation – impact on roads, businesses, and homes
- Impact on the local economy and tourism - Kililegruer Campsite and Lussa Loch - anglers, birdwatchers, and walkers
- Walking routes, Route 66 and the Kintyre Way
- Duration of consent
- Scotland does not need to produce any more energy.
- Health & wellbeing
- Battery Storage System Safety – fire/explosion potential impact has not been considered.
- Batteries & Environmental Impact – not a green product in terms of production and disposal
- Impact on peat
- Flooding
- Cumulative Impact - High level of applications in Kintyre (including pylons)
- Unacceptable Mitigation Measures

***Note: The comments raised above are addressed in the assessment of the proposal at Appendix A of this report.***

***Note: Please note that the representations above have been summarised, and the full letters of representation are available on the ECU website.***

## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**(i) Environmental Impact Assessment Report (EIAR): Yes**

**The EIAR (November 2024) comprises the following volumes:**

- Volume 1: Non-Technical Summary (NTS)
- Volume 2: Main Report

- Volume 3a: Figures
- Volume 3b: Landscape and Visual Impact Assessment Visualisations (Part 1)
- Volume 3c: Landscape and Visual Impact Assessment Visualisations (Part 2)
- Volume 3d: Cultural Heritage Visualisations
- Volume 4a: Technical Appendices (Part 1)
- Volume 4b: Technical Appendices (Part 2); and
- Volume 5: Confidential Documents

**Key topics covered in the EIAR include:**

- Chapter 1 Introduction
- Chapter 2 Approach to the EIA
- Chapter 3 Site Selection and Design Strategy
- Chapter 4 Development Description
- Chapter 5 Landscape and Visual Impact Assessment
- Chapter 6 Cultural Heritage
- Chapter 7 Ecology
- Chapter 8 Ornithology
- Chapter 9 Hydrology, Hydrogeology & Geology (including peat)
- Chapter 10 Noise and Vibration
- Chapter 11 Access, Traffic and Transport
- Chapter 12 Socioeconomics, Tourism and Recreation
- Chapter 13 Other Issues
- Chapter 14 Summary of Significant Effects

**In addition, the following documents are also provided in support of the application:**

- Planning and Renewable Energy Policy Statement
- Design and Access Statement
- Pre-Application Consultation Report

**Additional Environmental Information October 2025**

- Ornithology Report

- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** NatureScot will advise the ECU
- (iii) **A Design or Design/Access statement:** Yes
- (iv) **Sustainability Checklists (with reference to the requirements of LDP2 Policy 04):** Not required proposal accompanied by full EIAR.
- (v) **A report on the impact of the proposal e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** All relevant reports are encompassed within the EIAR.

**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been considered in the assessment of the application**
- (i) List of all Development Plan Policy considerations considered in assessment of the application.**

**National Planning Framework 4 (Adopted 13<sup>th</sup> February 2023)**

NPF4 Policy 1 – Tackling the Climate and Nature Crises  
NPF4 Policy 3 – Biodiversity  
NPF4 Policy 4 – Natural Places  
NPF4 Policy 5 – Soils  
NPF4 Policy 6 – Forestry, Woodland, and Trees  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 11 – Energy  
NPF4 Policy 22 – Flood Risk and Water Management  
NPF4 Policy 33 – Minerals

**Annex B – National Statements of Need**

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

**Argyll & Bute Local Development Plan 2 (LDP2) (Adopted 2024)**

Policy 02 – Outwith Settlement Areas  
Policy 04 – Sustainable Development  
Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment  
Policy 16 – Listed Buildings  
Policy 19 – Scheduled Monuments  
Policy 20 – Gardens and Designed Landscapes  
Policy 21 – Sites of Archaeological Importance  
Policy 30 – The Sustainable Growth of Renewables  
Policy 31 – Minerals  
Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes  
Policy 43 – Safeguarding of Aerodromes  
Policy 55 – Flooding  
Policy 56 – Land Erosion  
Policy 57 – Risk Appraisals  
Policy 58 – Private Water Supplies and Water Conservation  
Policy 59 – Water Quality and the Environment  
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems  
Policy 61 – Sustainable Drainage Systems (SuDS)  
Policy 62 – Drainage Impact Assessments  
Policy 63 – Waste Related Development and Waste Management  
Policy 70 – Development Impact on National Scenic Areas (NSA's)  
Policy 71 – Development Impact on Local Landscape Areas (LLA's)  
Policy 73 – Development Impact on Habitats, Species and Biodiversity  
Policy 74 – Development Impact on Sites of International Importance

Policy 75 - Development Impact on Sites of Special Scientific Interest (SSSIs)  
Policy 76 - Development Impact on Local Nature Conservation Sites (LNCS)  
Policy 77 – Forestry, Woodland, and Trees  
Policy 78 – Woodland Removal  
Policy 79 – Protection of Soil and Peat Resources  
Policy 80 - Geodiversity

**(ii) List of all other relevant planning considerations considered in the assessment of the application, having due regard to Annex A of Circular 3/2013**

- Scottish Energy Strategy (2017)
- Onshore Wind Policy Statement (2022)
- Draft Energy Strategy and Just Transition Plan (2023)
- Good Practice Principles for Shared Ownership of Renewable Energy Developments, Scottish Government, 2019
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014)
- The Argyll & Bute Landscape Wind Energy Capacity Study, 2017 (LWECS)
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- Landscape Institute and Institute of Environmental Management and Assessment – Guidelines for Landscape and Visual Impact Assessment, Third Edition (2013)
- Scottish Natural Heritage – Visual Representation of Wind Farms Guidance (Version 2.2, 2017)
- Scottish Natural Heritage - Siting and Designing Wind Farms in the Landscape Guidance (Version 3a, 2017)
- Historic Environment Policy for Scotland (2019)
- Scottish Government, Draft Planning Guidance: Biodiversity, 2023
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024
- Managing Change in the Historic Environment
- PAN 1/2011: 'Planning and Noise' (March 2011)
- Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- UK Forestry Standard (UKFS)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- Views of statutory and other consultees
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

**(K) Is the proposal a Schedule 2 Development not requiring an EIAR:** No, an EIAR was required.

**(L) Has the application been the subject of statutory pre-application consultation (PAC):** No - PAC is not required for S36 applications.

**(M) Does the Council have an interest in the site:** No

**(N) Requirement for a pre-determination hearing:** No

**(O) Is the proposal consistent with the Development Plan:** No – due to unresolved objections from NatureScot and National Air Traffic Services

**(P) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
No

**Author of Report:** Arlene Knox

**Date:** 8<sup>th</sup> January 2026

**Reviewing Officer:** Sandra Davies

**Date:** 9<sup>th</sup> January 2026

**Fergus Murray**  
**Head of Development & Economic Growth**

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 25/00600/S36**

### **COMMITTEE REPORT**

#### **PLANNING LAND USE AND POLICY ASSESSMENT**

##### **1. THE SECTION 36 CONSENTING REGIME**

- 1.1 Any application for an onshore power generating station with an installed capacity of over 50 MW requires the consent of Scottish Ministers under S36 of the Electricity Act 1989. Any authorisation given includes a deemed planning permission. Consequently, there is no need for a planning application to be made to the Council. The Council's role in this process is one of a consultee.
- 1.2 The Development Plan is not the starting point for considering S36 applications. The reason for this is that sections of the Planning Act which establish the primacy of Development Plan Policy in decision making are not engaged. NPF4 and LDP2 form the Development Plan. Whilst they do not have primacy in S36 decision making, they remain an important consideration to inform the Council's consultation response.
- 1.3 Schedule 9 of the Electricity Act requires the Applicant and the decision maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the developer shall have regard to:
  - (a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings, and objects of architectural, historical, or archaeological interest; and
  - (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings, or objects.
- 1.4 It obliges the Scottish Ministers as decision maker to have regard to the desirability of the matters at (a) and the extent to which the Applicant has complied with the duty at (b).
- 1.5 Assessment of the proposal against the policies of NPF4 and LDP2 will ensure that proper consideration is given by the Council to the extent that the proposal satisfies these Schedule 9 duties.
- 1.6 The Council can either support or object and recommend conditions to be imposed if Scottish Ministers grant consent. If the Council raises an objection, Scottish Ministers are obliged to hold a Public Local Inquiry (PLI) if they are minded to grant consent. They can also choose to hold a PLI in other circumstances at their own discretion. Public Inquiries are conducted by Reporters appointed by the Directorate for Planning and Environmental Appeals (DPEA). If consent is granted the Council as Planning Authority is responsible for the agreement of matters pursuant to conditions, ongoing monitoring, and enforcement.

- 1.7 This report considers the relevant policy considerations, planning merits, views of consultees and representations. It recommends views to be conveyed to the ECU for consideration before a decision is made.

## 2. SPATIAL AND SETTLEMENT STRATEGY

- 2.1 Policy 02 – Outwith Settlement Areas establishes acceptable scales of development in three different zones. The site is located within Remote Countryside, which only supports specific categories of development. This includes renewable energy related development. In principle, Policy 02 supports renewable energy and ancillary development in these areas, providing they are consistent with all other relevant LDP2 Policies. With respect to the requirement for developments to accord with all other relevant policies, particular attention is drawn to Policies 70 to 76 with respect to landscape and the natural environment. Proposals must also demonstrate that there will be no unacceptable adverse effects (individual or cumulative) on natural heritage, built and/or cultural heritage, and landscape and visual amenity.
- 2.2 Policy 71 – Development Impact on Local Landscape Areas (LLA) - requires that proposals in or affecting a LLA must demonstrate that: a) any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance; b) The proposal is supported by a landscape and visual impact assessment and has taken account of the content of any relevant Argyll & Bute Landscape Capacity Assessment; and c) The location, scale, design, materials and landscaping would be of a high standard and would safeguard or enhance the special qualities and character of the LLA. Part of the access route is located in the West Kintyre (Coast) LLA which has been considered by the Council's Consultant Landscape Architect.
- 2.3 Policy 04 – Sustainable Development requires that in preparing new proposals developers should demonstrate the following sustainable development principles (where relevant) such as: maximise the opportunity for local community benefit; support existing communities and maximise the use of existing infrastructure and services; conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and heritage assets; respect the landscape character of an area and the setting and character of settlements; avoid places with significant risk of flooding, or ground instability and avoid having significant adverse impacts on land, air and water environment. This application is supported by an EIAR which sets out in detail the measures proposed to ensure the proposal is 'Sustainable Development.'
- 2.4 Policy 11 – Energy of NPF4 and Policy 30 – Sustainable Growth of Renewables LDP2 provide the primary policy framework for assessing renewable energy proposals. In this case, due to the outstanding information and consultee advice and need for amendment referred to in the recommendation it is has not been possible to reach a conclusion.
- 2.5 **Having due regard to the above due to outstanding information detailed in the Recommendation relating to Golden eagles, Osprey, Scottish Forestry and the Peat Landslide Hazard Risk Assessment and need for amendment required by NatureScot it is not possible to reach a conclusion on whether**

**the proposal is consistent with the provisions of LDP 2 Policy 02 – Outwith Settlement Areas and LDP Policy 04 – Sustainable Development.**

### **3. ENERGY & SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES**

3.1 Argyll & Bute Council is keen to ensure that Argyll & Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and our reliance on fossil fuels, reinforced by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council will support renewable energy developments where these are consistent with the principles of sustainable development, and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

3.2 This proposal has been assessed primarily against the two lead Statutory Development Plan policies relating to renewable energy, Policy 11 – Energy of NPF4 and Policy 30 – the Sustainable Growth of Renewables of LDP2. Other policies are referred to where relevant.

### **4. LOCATION, NATURE, AND DESIGN OF PROPOSAL**

4.1 The proposal is located on the western side of the Kintyre peninsula within Lussa Forest, approx. 2.5km east of Bellochantuy and 8.2km north-west of Campbeltown. The site comprises undulating plateau and low, rounded hill summits which generally slope westwards towards the coast. Summits include Cnoc Buidhe in the south and the south-western slopes of Cnoc Reamhar in the north. Lussa Loch lies to the south-east and some small watercourses drain west towards the coast.

4.2 Landcover is almost entirely commercial forestry, in various stages of the planting, growing and felling cycle, connected by a network of forestry tracks. These tracks connect to the A83 which borders the site at its western access point. The Kintyre Way passes within 300m of the south-eastern site boundary along the western shore of Lussa Loch.

4.3 The Kintyre 66 route follows the A83 on the western and B842/National Cycle Network 78 on the eastern Kintyre coast forming a loop around the Kintyre peninsula. The B843 passes 10km to the south between Campbeltown and Machrihanish.

4.4 There are no residential properties within the site, but a number of farmsteads and isolated properties are located on the elevated, farmed slopes to the west and settlements within 5km include Bellochantuy and Glenbarr which are set on the low-lying coastal strip by the A83. Thirty-six residential properties were identified within 2.5 km of the turbines and were examined as part of the Residential Visual Amenity Assessment.

4.5 Nearby existing and consented wind energy development comprises a large cluster surrounding the central ridge of the Kintyre peninsula and another linear group further north. The larger central cluster surrounds the Cnoc Buidhe site to the north, east and south and comprises the operational Beinn An Tuirc wind farm (Phase 1, 2, and 3) to the east, Auchadaduie and Blary Hill to the north and Tangy I and II to the south. The consented Tangy IV, a repowering scheme to replace

the existing Tangy I and II Wind Farms, is 1km to the south. The linear cluster further north follows the spine of the Kintyre hills with the consented Clachaig Glen wind farm closest at 7km to the north together with the existing Deucheran Hill, Cour and Freasdail developments and the consented High Constellation and Eascairt.

- 4.6 In addition to these developments, transmission infrastructure, including substations and overhead lines are characteristic elements of the landscape. Access to the proposed wind farm would be from the A83 to the west, via the existing Beinn an Tuirc wind farm track north of Bellochantuy. Approx. 18.2 km of new track would be built and 9.8 km of existing tracks would be upgraded. Permanent ancillary infrastructure includes a substation compound with a control building and a Battery Energy Storage System (BESS). Temporary infrastructure components include borrow pits and construction compounds.
- 4.7 The site is located entirely within Lussa Forest, a commercial forestry plantation managed by Forestry and Land Scotland (FLS). As a result of construction, 568.8ha of woodland would require to be felled and 236ha would not be restocked. 88ha of this has been identified for peatland restoration with a further 147.8ha of compensatory planting required.
- 4.8 A Biodiversity Enhancement Strategy (BES) details the proposed habitat enhancement measures, which include:
- forest to bog restoration, without the use of translocated peat (approx. 106.4 ha in total) - 33.6 ha of direct compensation for the loss of 3.36 ha of priority peatland habitat and 72.8 ha; when considering the use of translocated peat, this includes a further 71.1ha of enhancement.
  - 39.3 ha of mixed broadleaved tree planting, of which 6.4 ha results directly from the proposal, and is therefore considered enhancement.
  - 9.9 ha has been designated as the Drumore Burn Regeneration Management Area (DBRMA) to improve habitat connectivity to the Atlantic temperate rainforest out with the site to the west, as well as the centre of the site.
  - Targeted management of blanket bog susceptible to tree encroachment.
  - Grazing management and protection of sensitive upland habitats; and
  - Pine Marten Denning Opportunities (installation of pine marten boxes).
- 4.9 It is proposed that the site would continue to have the characteristics of a working commercial forest, with access tracks and periodic harvesting of timber.
- 4.10 Visible aviation lights would be installed on the nacelles of eight of the 29 turbines (T2, T4, T9, T13, T15, T19, T27 and T28) and 22 turbines would be fitted with infra-red (non-visible) hub-mounted obstruction lights, as agreed through consultation with the Civil Aviation Authority (CAA). Based on historic weather data, it is expected that the visible lights would only need to operate at 100% brightness for about 7% of the time that they are lit.
- 4.11 The S36 Application comprises the following key elements:
- Up to 29 wind turbines, with a maximum tip height varying between 180m - 200m (14 at 180m to blade tip and 15 at 200m to blade tip) (potentially with an external transformer)
  - aviation safety lighting (8 turbines with visible lights)

- Foundations supporting each wind turbine.
  - Crane hardstandings at each turbine location
  - Watercourse crossings and associated infrastructure
  - Approximately 17.7km of newly constructed access tracks and 9.8 km upgraded existing tracks.
  - Onsite underground electrical cables and cable trenches
  - A control building and substation
  - A Battery Energy Storage System (BESS) designed to complement with an indicative output capacity of up to 108.6 MW.
  - Habitat management and restoration proposals, including up to 177.5 ha of peatland restoration plus an additional 6.4 ha of mixed broadleaf planting.
  - Compensatory planting
  - Two temporary construction compounds, laydown areas and car parking
  - Felling of 568.8ha to accommodate infrastructure, wider forestry management and peatland restoration proposals
  - One temporary borrow pit; and
  - Approx. 0.5 km of new temporary excavated track to facilitate access to the onsite borrow pit from the forestry track to the west of T28.
- 4.12 The generation capacity of the wind turbines will be approx 191.4MW and the capacity of the BESS will be 108.6MW. Permission is sought to operate the proposal for a period of 40 years.

#### Infrastructure

- 4.13 Office for Nuclear Regulation - advised the ECU they have no comment.
- 4.14 Scottish Water – have advised the ECU they have no objection. Advice is provided on Drinking Water Protected Areas, and Surface Water.
- 4.15 Drinking Water Protected Areas – they have confirmed there are no Scottish Water drinking water catchments or water abstraction sources, designated as Drinking Water Protected Areas in the area that may be affected by the proposal.
- 4.16 Surface Water – for reasons of sustainability and to protect customers from potential future sewer flooding, they have advised they will not accept surface water connections into their combined sewer system.
- 4.17 Connection to Electricity Grid – The electrical power produced by the wind farm and the BESS will be transmitted to the substation via underground cables. A connection to the national grid's electricity system will be required. The Applicant holds a grid connection offer of 2029. The grid connection does not form part of the proposal and is not the subject of the Application. A separate S37 application will be made to the Scottish Ministers by Scottish and Southern Energy Networks (SSEN)
- 4.18 Private Water supplies (PWS) – The EIAR considers the impact on PWS. No PWS sources are hydrologically connected to the footprint of the infrastructure and therefore no significant effects are predicted.

## **5. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS**

- 5.1 Policy 11 – Energy of NPF4 states that proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities. Policy 30 – the Sustainable Growth of Renewables of LDP 2 requires all applications for wind turbine developments to be assessed in terms of net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities.
- 5.2 Socio-Economic Impact - The proposal would deliver some economic benefits during its construction and operation. The expected socio-economic benefits are set out in the EIAR. The EIAR advises that during the construction phase, it is estimated the proposal will generate 1,000 job years across Scotland, including 404 job years in Argyll & Bute.
- 5.3 During the operational phase it is estimated it will generate 95 jobs across Scotland, including 12 jobs in Argyll & Bute, per year.
- 5.4 It is expected that the proposal will contribute commercial rates to the local economy. It is estimated that these will be worth in the region of £3.4 million annually.
- 5.5 Community and Economic Benefit – The community benefit fund is expected to be worth £957,000 (29 turbines, each at 6.6 MW, and a community benefit rate of £5,000 per MW per annum each year), the details of this are provided in the EIAR.
- 5.6 The Applicant has worked with West Kintyre, East Kintyre and Campbeltown Community Councils, and their agent, Kintyre Wind, to develop a community ownership offering. This has culminated in all three community councils formally expressing interest in community ownership and signing a Memorandum of Understanding.
- 5.7 Capital Expenditure of the Proposed Development - The EIAR advises that during the construction phase it is estimated the proposal will generate £68.2 million GVA in Scotland, of which £28.0 million GVA will be in Argyll & Bute. During the operational phase it was estimated that the proposal will generate £7.1 million GVA in Scotland, including £1.4 million GVA in Argyll & Bute, annually.
- 5.8 The economic benefits associated with this proposal during construction and the operational phases relating to job creation and benefits to the local economy are a relevant consideration, which has been considered. Community Benefit is not however, a ‘material planning consideration’ in the determination of planning applications, as there is no planning mechanism available to secure it. If consent were to be granted, the negotiation of any community benefit either directly with the local community or under the auspices of the Council, would take place outside the application process.
- 5.9 **Having due regard to the above it is considered a degree of net economic impact including local and community socio-economic benefits typical of such developments will be provided. It is therefore concluded that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policy 30 – The Sustainable Growth of Renewable of LDP2 in this regard.**

## **6. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING RESIDENTIAL AMENITY, VISUAL IMPACT, NOISE AND SHADOW FLICKER**

6.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on communities and individual dwellings, including residential amenity, visual impact, noise, and shadow flicker have been addressed. Policy 30 – the Sustainable Growth of Renewables of LDP2 requires all applications for renewable developments to be assessed in terms of impacts on communities and individual dwellings, including visual impact, residential amenity noise, and shadow flicker (including cumulative).

### Noise

6.2 ABC Noise Consultant – initially concluded that, in general, good practice has been adopted by the Applicant, with a few issues identified. The most significant of these issues being confirmation there are no derelict residential properties within the study area was not given. Minor observations included errors in the reporting of the grid references of baseline noise monitoring locations.

6.3 The applicant has also applied a lower fixed limit (non-financially involved) of 43 dB LA90 for the night-time period. The Noise Consultant recommends that a lower fixed limit of 38 dB LA90 is adopted, and the updated values are provided.

6.4 Following a satisfactory response to the above issues from the Applicant, it is considered that there would be no reasons to object on noise grounds, subject to a suitably worded condition to limit the noise levels, tonality and amplitude modulation being applied to control noise levels from the proposal.

6.5 Applicant's response to Noise Consultant – corrected the discrepancies in the reported grid references of baseline monitoring locations.

6.6 The Applicant advised that when identifying properties to assess within the study area a review was undertaken of satellite imagery and OS Address Base data. All relevant residential properties identified from this process were considered as part of the noise assessment such that they are not aware of any derelict residential properties in the vicinity of the proposal.

6.7 With regard to the proposed noise condition, this looks appropriate in principle and in general the Applicant is happy to follow best practice guidance when drafting conditions however they note that the UK Government has just released a consultation on Assessment and rating of wind turbine noise guidance which discusses both a consistent night and day-time fixed limit, and inclusion of Amplitude Modulation. Given this ongoing, and pertinent, consultation they suggest discussing condition wording later when the updated guidance is in place.

6.8 ABC Noise Consultant - confirmed that the Applicant's response is reasonable, however, they note that there is no guarantee on the timeline of introduction of the new Government guidance.

### Shadow Flicker

6.9 The EIAR considers the potential for significant shadow flicker effects as a result of the proposal. No properties are predicted to surpass the threshold of 30 hours per year or 30 minutes per day. No significant effects are predicted, and mitigation is not required.

**6.10 Having due regard to the above, subject to the conditions recommended by the Council's Noise Consultant being attached to any consent it is considered that the proposal is consistent with the provisions of Policy 11- Energy, and Policy 30 – The Sustainable Growth of Renewables of the LDP2 in this respect.**

## **7. SIGNIFICANT LANDSCAPE AND VISUAL IMPACTS**

7.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how significant landscape and visual impacts have been addressed, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable. Policy 4 a) - Natural Places of NPF4 states that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments are assessed against landscape and visual impacts.

7.2 The Council's Consultant Landscape Architect - has undertaken a review of the landscape and visual effects and reached the following conclusions on the proposal.

7.3 Significant landscape effects are limited to within 5 km, and visual effects to within 16km, of the site. The proposals have gone through an appropriate design process, including mitigation where appropriate, followed design advice provided by Argyll & Bute Council, NatureScot, and Historic Environment Scotland (HES), and focused on reducing impacts at sensitive receptors. This process is clearly set out in the EIAR. Key design revisions include a reduction in the number of turbines from 33 to 29, revision of tip heights from 230m to a mixture of 180m and 200m, relocation of turbines into the interior of the site, away from the highly sensitive (in landscape and visual terms) coast and residential receptors and adoption of recommended and currently available aviation lighting mitigation measures.

7.4 The design mitigation which has been undertaken has resulted in the following landscape and visual conclusions in relation to Argyll & Bute the integrity of the West Kintyre Local Landscape Area (LLA) will not be compromised, no significant impacts are identified within small-scale glen landscapes, and no significant effects are identified as a result of aviation lighting

7.5 It is considered that project and design mitigation has appropriately addressed the potential significant landscape and visual effects of the proposal.

7.6 Landscape Impact - Significant effects on landscape character are predicted in the LVIA for the host Landscape Character Type (LCT) 39: Plateau Moor and Forest – Argyll (Unit A) comprising significant (Major) direct effects within the site and significant indirect effects within 2km of the site during the construction phase. Similarly, during the operational phase significant (Major) direct effects were

found within 2km and significant (Moderate) indirect effects within no more than 5km. The nature of the surrounding forested plateau landscape on which Cnoc Buidhe is located helps the development to fit into the broader Kintyre peninsula in a reasonably unobtrusive fashion and the Council's Consultant Landscape Architect agrees with this assessment.

- 7.7 No significant effects were found within the LVIA for any of the other LCTs within the study area. The Council's Consultant Landscape Architect broadly agrees with the assessment. However, it is worth noting that LCT 55 which covers the island of Gigha currently has a character of seclusion and the proposal would noticeably increase the visibility of large-scale development from many southern parts of the island.
- 7.8 No significant effects on locally or nationally designated landscapes were identified in the LVIA, including the North Arran NSA, the East Kintyre (Coast) LLA, the West Kintyre (Coast) LLA and the Mull of Kintyre LLA and the Council's Consultant Landscape Architect agrees with these judgements.
- 7.9 Visual Impact - Significant (Major) visual effects are predicted at Viewpoint 2: Lussa Loch Dam. Significant (Moderate) effects extend to over 15km from the proposal for the current baseline assessment and are predicted for 12 other viewpoints: 1, 3, 4, 5, 7, 8, 11, 13, 14, 15, 16 and 17. Significant effects are predicted for people within the settlements of Glenbarr (Moderate) and Machrihanish (Moderate).
- 7.10 Significant sequential effects (Moderate) are predicted for the Tayinloan – Gigha Ferry Route. Significant sequential effects are also predicted for very localised sections of the Kintyre Way in the vicinity of Lussa Loch (Major) and a localised section of the route in the vicinity of Rhunahaorine Point (Moderate). However, effects on the Kintyre Way when considered as a whole, are assessed to be not significant.
- 7.11 Significant (Major) effects are predicted for core paths between Campbeltown and Bridgend via Lussa Loch and significant (Moderate) effects are predicted for the core path between Machrihanish and Westport and the Glenbarr school route. Localised, significant effects are predicted from Core Paths (C088j, C088k, and C088l) as they traverse the western shore of Lussa Loch, but the overall sequential visual effect will be minor.
- 7.12 Overall, the Council's Consultant Landscape Architect agrees with the approach and findings of the visual assessment and believes the proposal would result in relatively limited visual effects thanks to the design strategy evidenced in the Design & Access Statement accompanying the EIAR.
- 7.13 However, it could be argued, that the sequential effects on the A83 and the promoted Kintyre 66 route have been underestimated, due to the susceptibility of the receptors being assessed as medium. The Council's Consultant Landscape Architect believes it is likely there would be localised significant effects on the users of this route. The Council's Consultant Landscape Architect also considers the significance of effects on road users in Viewpoint 4 could be judged as moderate (significant) rather than minor as currently reported, for the same reasons. The Planning and Renewable Energy Statement (PRES) accompanying

the EIAR appears in places misleading in the way it summarises the significant visual effects.

- 7.14 Cumulative - Significant cumulative effects on landscape character are predicted for the host LCT 39: Plateau Moor and Forest – Argyll (Unit A). Significant cumulative effects on visual receptors are predicted for Viewpoints 1, 3, 4 and 5 under both Scenario 1 and 2 future baselines. The LVIA highlights that significant visual effects identified under the current baseline assessment are predicted to reduce to not significant for a number of receptors (including 8 viewpoints) under the Scenario 1 future baseline (most certain one) as well as Scenario 2 future baseline. This means the significant visual effects would be contained within 7km, rather than over 15km for the current baseline. The contribution of the proposal to total cumulative effects is not judged to be significant.
- 7.15 Residential Visual Amenity Assessment (RVAA) - concludes there will be no properties where views of the proposal would affect the living conditions or breach the residential visual amenity threshold. Concerns raised regarding photomontages from Drumore Na Bodach and Bellochantuy Beach have been submitted to the ECU. The Council's Landscape Consultant has reviewed these concerns and is content that no further consideration is required.
- 7.16 Mitigation - Measures to reduce effects on the landscape resource, views and visual amenity were achieved through the design of the proposal. A total of 568.8ha will be felled to construct the proposal. The species composition of the forest on site would change because of the proposal including a net reduction in Sitka spruce of 242.3ha, an increase in broadleaf woodland of 6.4 ha and an increase in peatland restoration of 88.1 ha. The location and composition of the additional 147.8 ha of the compensatory planting is to be agreed with Scottish Forestry.
- 7.17 Aviation lighting mitigation - options are addressed within the Aviation Lighting and Mitigation Report. In summary, a reduced visible lighting scheme is proposed in addition to infrared lighting. The visible lighting is proposed to automatically reduce in intensity depending on the visibility conditions (automatic dimming). The Applicant is also committed to the implementation of vertical directional intensity mitigation (LEDs which are designed to minimise the light spillage and over-brightness).
- 7.18 Review against NPF4 Policy - The NPF4 national spatial strategy acknowledges the need for a rapid transformation across all sectors of our economy and society in order to meet our climate ambitions. At the same time, it stresses the importance of '*ensuring the right development happens in the right place.*' The following paragraphs provide a review by the Councils Consultant Landscape Architect of the proposal in relation to the most relevant NPF4 policies.
- 7.19 Policy 4 d) states that development proposals that affect a site designated as a local landscape area in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental, or economic benefits of at least local importance.

- 7.20 As no special qualities relating to the LLAs have been defined by Argyll & Bute Council, the EIAR used key characteristics of the local landscape character to assess effects of the proposal on the LLAs, which the Council's Consultant Landscape Architect considers to be a reasonable approach.
- 7.21 There would be localised direct effects on the West Kintyre (Coast) Local Landscape Area (LLA) where the site access meets the A83. The EIAR predicts the proposal will introduce turbines to inland views from a limited geographical extent of the LLA. Theoretical visibility will be restricted due to complex landform. Whilst localised significant indirect effects are predicted from within the LLA (e.g. moderate effect from Viewpoint 1 and 3), key views along the coast and westwards towards the open sea and islands will be largely unaffected. The introduction of the proposal is not anticipated to affect the integrity of the LLA, and the Council's Consultant Landscape Architect agrees with this conclusion.
- 7.22 Mull of Kintyre LLA is located 12km to the south. No viewpoints have been provided in the EIAR which lie within the LLA, but Viewpoints 11 and 13 are located in the vicinity of it and these point to potential for localised significant effects from the LLA. The EIAR acknowledges that, where visible, the proposal would increase the horizontal extent and scale of wind turbines in relatively distant views and would be seen above the skyline of central Kintyre. However, given the context of existing wind development on the Kintyre spine, the intervening distance, and the limited theoretical visibility from within the LLA, it concludes that the introduction of the proposal will not affect the integrity of the LLA and the Council's Consultant Landscape Architect agrees with this conclusion.
- 7.23 In terms of cumulative effects, the EIAR acknowledges that the proposal would intensify indirect effects on localised areas of the West Kintyre (Coast) and Mull of Kintyre LLAs.
- 7.24 Policy 11 - Policy 11 e) requires project design and mitigation to demonstrate how impacts on communities and individual dwellings as well as significant landscape and visual impacts are addressed. In terms of significant landscape and visual impacts, 11e ii states that such impacts are to be expected for some forms of renewable energy and where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable. NPF4 provides no guidance on the definition of what constitutes 'localised' effects.
- 7.25 Details in relation to the iterative design process and embedded mitigation, relevant to the LVIA are provided in the Design & Access Statement and Chapter 3 - Site Selection and Design Strategy. A number of design objectives which guided the design related to limiting landscape and visual effects and applying appropriate design mitigations, such that significant landscape and visual impacts could be considered generally acceptable. One of the design objectives related to minimising effects on residential visual amenity at the closest residential properties (Corrylach and Dorran Cottage to the east, and Drumore na bodach to the west) by maintaining at least a 1 km buffer between properties and turbines. RVAA concludes that there will be no properties where views of the proposals would affect the living conditions or breach the residential visual amenity threshold.
- 7.26 The preliminary design included 33 turbines of up to 230m height, while the final layout comprises 29 turbines of reduced scale (14 up to 180m tip height and 15 up to 200m tip height). The EIAR does demonstrate that significant impacts have

been reduced through appropriate design mitigation, as illustrated by the comparison wirelines in Figures 3.1 to 3.5.

- 7.27 Further reductions in effect significance could potentially be achieved through the removal of turbines, which would result in reduced output. However, the Councils Consultant Landscape Architect has reviewed the problematic turbines (e.g. causing stacking or spoiling the balance of the visible layout) in various views and, as they differ, it would be difficult to achieve a meaningful reduction in effects across the study area without removing a large proportion of the turbines, likely affecting the scheme's output and viability.
- 7.28 For example, removing a single turbine (T10) would likely reduce the effects from Viewpoint 1 (Bellochantuy), however, approx. 9 different turbines would need to be removed to meaningfully reduce effects from Lussa Loch Dam (Viewpoint 2). Removing turbines T1, T2 and T6 would help slightly reduce visual effects from Killegruer Caravan Site, A83 (Viewpoint 3), while removing turbines T2, T4, T12 and T15 would help reduce effects from Glenbarr (Viewpoint 4). However, most of the effects at short-range would still likely remain significant. In addition, removing all of those turbines would likely result in problematic gaps in previously balanced layouts visible from other directions.
- 7.29 Reductions in effect significance could potentially also be achieved through the reduction in size and changes in spacing of the turbines, however, Figure 3 Constraints suggests that there is limited scope for relocating turbines. As for reduction in tip height, the final proposal increases the vertical extent of existing wind energy development in some views, but in other views appears to fit the visual context in terms of scale quite well. As such, the Councils Consultant Landscape Architect is not convinced the reduction in size would yield meaningful reductions in levels of visual effects.
- 7.30 The significant residual landscape effects can be considered 'localised,' as they are assessed to occur within up to around 5km from the proposal and the Council's Consultant Landscape Architect agrees with this assessment.
- 7.31 Significant visual effects for the proposal on its own extend to over 15km and are predicted for thirteen viewpoints. However, under the cumulative Scenario 1 (which is considered the most certain future baseline scenario and includes the consented Tangy IV Wind Farm), the EIAR predicts that significant visual effects would reduce for several receptors including 8 viewpoints and would be contained within approx. 7km of the proposal. As such, the visual effects could potentially be considered 'localised,' and it could be difficult to argue the proposals do not comply with Policy 11e.
- 7.32 Having reviewed several recent wind energy development decisions, the key NPF4 test in relation to the acceptability of wind farm proposals appears to be '*the right development in the right place*'. Given the location of the proposal within an existing wind farm cluster, amid low landscape value commercial forestry and away from the sensitive Kintyre coastline, it is the Councils Consultant Landscape Architects opinion the proposal passes that test.
- 7.33 Key Viewpoints to be considered by the Planning Committee include Viewpoint 1: Bellochantuy, Viewpoint 2: Lussa Loch Dam, Viewpoint 3: Killegruer Caravan Site, A83, Viewpoint 4: Glenbarr War Memorial, A83, Viewpoint 5: Beinn Bhreac,

Kintyre, Viewpoint 7: Machrihanish Beach, Viewpoint 8: Machrihanish, B843, Viewpoint 14: South Pier, Gigha, Viewpoint 21: Beinn Bharrain, Arran.

- 7.34 NatureScot have deferred to Argyll & Bute Council and North Ayrshire Council in terms of effects on locally designated landscapes.
- 7.35 North Ayrshire Council - advised the ECU that consideration should be given to the potential impacts of the North Arran NSA.

#### Officer's Conclusion

- 7.36 Based on the expert advice of the Council's Consultant Landscape Architect, and NatureScot it is concluded the proposal does not warrant an objection on landscape and visual grounds. This is however subject to a condition being attached to any consent to secure an Aircraft Detection Lighting System (ADLS), as an additional mitigation measure in regard to visible aviation lighting. This additional measure is recommended by NatureScot in their response to the ECU.
- 7.37 Having due regard to the above subject to an ADLS condition being attached to any consent it is concluded that the proposal complies with the provisions of Policies 11 – Energy and 4 – Natural Places of NPF4, and Policy 30 – The Sustainable Growth of Renewables of LDP2 in this respect.**

### **8. IMPACTS ON TOURISM AND RECREATION**

- 8.1 Policy 11 – Energy of NPF4 does not require impacts on tourism to be considered. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts on tourism and recreation.
- 8.2 Tourism – Policy 11 of NPF4 does not include a requirement for the impact of proposals on tourism to be assessed. However, Policy 30 – The Sustainable Growth of Renewables of the LDP does. In Argyll & Bute the landscape is regarded as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development, the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll & Bute, regardless of the scale of development proposed.
- 8.3 As Tourism and Landscape & Visual matters are intrinsically linked, and there is little evidence to demonstrate whether wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal.
- 8.4 Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policies 04 – Sustainable Development and 30 – The Sustainable Growth of Renewables of ABLDP2 in this respect.**

### **9. PUBLIC ACCESS**

- 9.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on public access are addressed, including impact on long distance walking, and cycling routes and scenic routes. Policy 30 – the Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in NPF4. Policy 32 – Active Travel of LDP2 requires active travel and recreation to be integrated in developments from the start of the wider design process and existing active travel networks should be safeguarded and integrated with the development.
- 9.2 British Horse Society have provided advice to the ECU on Outdoor Access management for equestrian users during the construction and when the wind farm is operational. They have also provided guidance on managing woodland and forestry access and guidance to drivers of large vehicles.
- 9.3 The Council's Access Officer – has no objection in respect to Public Access subject to advisory notes being attached to any consent to ensure that any Access Controls i.e. gates, and cattle grids comply with the British Horse Society Guidance. Furthermore, that public access during construction should comply with NatureScot guidance 'Good practice during wind farm construction.'
- 9.4 Having due regard to the above subject to the ECU advising the Applicant to follow guidance provided by the British Horse Society and NatureScot in the event that consent is granted, it is considered the proposal is consistent with the provisions of Policy 11- Energy of NPF4, Policy 30 – the Sustainable Growth of Renewables; and Policy 32 - Active Travel of the LDP2.**

## **10. AVIATION AND DEFENCE INTERESTS INCLUDING SEISMOLOGICAL RECORDING**

- 10.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on aviation and defence interests including seismological recording have been addressed. Policy 30 – the Sustainable Growth of Renewables of LDP2 requires impacts on aviation and defence interests and seismological recording to be addressed. Policy 43 – Safeguarding of Aerodromes of LDP2 stipulates that development will not be permitted where it would compromise the safe operation of an Aerodrome or Technical Site or constrain their present or future operations.
- 10.2 Defence Infrastructure Organisation (DIO) – advised the ECU that, subject to conditions to secure Aviation Lighting and Aviation Charting and Safety Management they have no objection.
- 10.3 Highlands & Islands Airport advised the ECU that following submission of an updated Instruments Flight Procedure Assessment they have no objection subject to a condition to secure confirmation from the operator of Campbeltown Airport that an Instrument Flight Procedure Assessment has demonstrated that an IFP Scheme is not required or an IFP Scheme has been approved by the Airport Operator and the Civil Aviation Authority has confirmed its approval and it has been submitted to NATS in the interests of aviation safety to secure mitigation and ensure the development does not alter traffic patterns or impact the safety of Campbeltown Airport.

- 10.4 The Applicant has confirmed they are content with HIAL's proposed condition, subject to final confirmation of the full suite of conditions with the ECU should consent be forthcoming.
- 10.5 National Air Traffic Services Safeguarding (NATS) initially advised the ECU the proposal conflicted with their safeguarding criteria due to potential for unacceptable impacts on the operation of the primary radar located Lowther Hill and associated air traffic management operations. Accordingly, they objected. It has subsequently been agreed with the ECU that the NATS Safeguarding objection is withdrawn on the basis that should the Scottish Ministers decide to grant consent an appropriately worded condition will be imposed which will mitigate the unacceptable impacts on the operation of the primary radar located at Lowther Hill and associated air traffic management operations.
- 10.6 Glasgow Prestwick Airport have advised the ECU they have no objection.
- 10.7 Having due regard to the above and subject to the conditions required by Defence Infrastructure Organisation, National Air Traffic Services and Highlands & Islands Airport it is concluded the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policies 30 – The Sustainable Growth of Renewables and 43 – Safeguarding of Aerodromes, of the LDP2.**

## **11. TELECOMMUNICATIONS AND BROADCASTING INSTALLATIONS**

- 11.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on telecommunications and broadcasting installations, have been addressed particularly, ensuring that transmission links are not compromised. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
- 11.2 BT advised the ECU the proposal should not cause interference to BT's current and presently planned radio network. BT require 100m minimum clearance from any structure to the radio link path. Joint Radio Company - advised the ECU the proposal is CLEARED - subject to 50m Micrositing with respect to radio link infrastructure operated by the local energy networks. Vodafone have advised they have no comment.
- 11.3 Having due regard to the above subject to the conditions recommended by BT, and the Joint Radio Company it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is consistent with the provisions of Policy 11- Energy of NPF4 and Policy 30 – The Sustainable Growth of Renewables of LDP2 in this respect.**

## **12. ROAD TRAFFIC AND ADJACENT TRUNK ROADS**

- 12.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on road traffic and on adjacent trunk roads have been

addressed, including during construction. Policy 30 – the Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts on road traffic and impacts on adjacent trunk roads. Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes of LDP2 acceptance of development utilising new and existing public roads, private roads and private access regimes is subject to road safety and street design issues being addressed to the satisfaction of the Roads Authority and the Planning Authority. Policy 38 – Construction Standards for Public Roads requires that accesses which connect to or impact significantly on a Trunk Road require consultation with Transport Scotland.

- 12.2 Transport Scotland (TS) have advised the ECU they have no objection subject to conditions being attached to any consent to secure submission and approval of a Construction Traffic Management Plan (CTMP), the route for abnormal loads, abnormal load accommodation measures required, and any necessary additional signing or temporary traffic control measures. In addition to the advisory notes are provided relating to works within the trunk road boundary.
- 12.3 ABC Roads and Infrastructure Services (RIS) – The site connects directly to the A83 Tarbet to Campbeltown Trunk Road approximately 1 mile north of Bellochantuy, Transport Scotland should be notified. RIS note that this junction “will provide access to the proposal for all abnormal loads associated with the turbine deliveries, as well as access for Heavy Goods Vehicles (HGVs) delivering construction materials and general site traffic” with traffic travelling north and south on the A83(T) through to the junction.
- 12.4 Significant volumes of material are required to support construction includes construction of circa 18km of new access track and 10km of upgraded track. Whilst it is noted that the Applicant recognises *“To seek opportunities to obtain site-won stone for construction purposes and thereby minimising construction traffic volumes through exploring borrow pit options”* RIS further notes that the borrow pit assessment concludes *“The borrow pit has the potential to provide approximately 45% of the estimated aggregate requirement for the Proposed Development (minus concrete aggregate) assuming 50% suitability of excavated material”*. RIS is therefore concerned about the possible impact of this proposal on the local road network.
- 12.5 RIS have no objection subject to conditions to ensure that the site is accessed from the A83 Tarbet to Campbeltown Trunk Road. Strictly no direct access from any Argyll & Bute Council Road and a Traffic Management Plan is to be submitted for approval by RIS, prior to any work starting on site. The Traffic Management plan should include details of all materials, plant, equipment, components, and labour required during the construction works. Note - Depending on the TMP, RIS may require road condition surveys to be conducted. The condition surveys to be recorded by means of video and photographs, and a copy of the video and photographs to be submitted to RIS, for approval, prior to any work starting on site.
- 12.6 **Having due regard to the above, subject to the conditions recommended by Transport Scotland and Roads & Infrastructure Services it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of NPF4, Policy 30 – The Sustainable Growth of Renewables, Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes and Policy 38 – Construction Standards for Public Roads in this regard. It is**

**recommended that the conditions required by Area Roads and Amenity Services are attached to any consent granted by the ECU.**

### **13. HISTORIC ENVIRONMENT**

- 13.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on the historic environment have been addressed. Policy 7 – Historic Assets and Places of NPF4 intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts on the historic environment, including scheduled monuments, listed buildings and their settings. Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment, Policy 19 – Scheduled Monuments, Policy 20 – Gardens and Designed Landscapes, and Policy 21 – Sites of Archaeological Importance support the key policies and provide guidance on assessing development proposals against heritage impacts.
- 13.2 Historic Environment Scotland (HES) – advised the ECU the proposal does not raise historic environment issues of national significance, and they do not object subject to conditions. Scheduled Monument Consent may be required for some of the forestry works which require felling adjacent to Killocrew cup marked stone. Dun a’ Bhuic, dun SW of Cleongart sits close to an existing forestry access track which will be used as the main access route for the wind farm. HES recommend a condition is attached to any consent to ensure that Dun a’ Bhuic dun SW of Cleongart is fenced off to mitigate the risk of accidental damage during construction. With these issues address HES are content that there should be no adverse physical impact upon assets within their remit resulting from the proposal.
- 13.3 West of Scotland Archaeology Service – have advised they have no objection to the proposal subject to a condition to secure a Written Scheme of Investigation (WSI) for archaeological mitigation measures and also ask that the Applicant be advised to ensure that they have all necessary legal permissions for any elements of their archaeological mitigation that lie out with the planning system. Specifically, in regard to the RAF Hudson aircraft crash site mitigation proposals which may require a license from the MoD if it is to be disturbed.
- 13.4 **Having due regard to the above subject to the conditions and advisory note to address the concerns of Historic Scotland (protective fencing) and the West of Scotland Archaeology Service it is considered that the proposal is consistent with the provisions of Policy 11 – Energy and Policy 7 – Historic Assets and Places of NPF4, and Policies 30 – The Sustainable Growth of Renewables; 15 – Protection, Conservation and Enhancement of Our Historic Environment; 19 – Scheduled Monuments; 20 – Gardens and Designed Landscapes; and 21 – Sites of Archaeological Importance of the LDP2**

### **14. HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK**

- 14.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how effects on hydrology, the water environment and flood risk have been addressed. Policy 30 – Supporting the Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed

against impacts arising from effects on hydrology, the water environment and flood risk (including cumulative). Policy 55 - Flooding of LDP2 provides guidance on the type of development that will be permissible within specific flood risk areas. Policy 57 – Risk Appraisals requires flood risk assessments, and drainage impact assessments, to accompany applications where required.

14.2 The Council's Flood Prevention Officer – has advised they have no objection subject to conditions to ensure that any proposed watercourse crossings are designed to convey the 1 in 200 year plus climate change flood event and that surface water drainage is designed in accordance with CIRIA C753 and ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

14.3 **Having due regard to the above, subject to the conditions recommended by the Flood Prevention Officer it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of NPF 4, Policy 30 – The Sustainable Growth of Renewables, Policy 55 – Flooding; and Policy 57 Risk Appraisals of LDP2.**

## 15. BIODIVERSITY

15.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how impacts on biodiversity, including birds have been addressed. Policy 1 – Tackling the climate and nature crises of NPF4 requires that when considering all proposals significant weight will be given to the global climate and nature crises. Policy 3 – Biodiversity of NPF4 requires proposals to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 5 – Soils of NPF4 supports the generation of energy from renewable sources that optimises the contribution of the area to GHG emissions reduction targets on peatland, carbon-rich soils, and priority peatland. A detailed site-specific assessment will be required for development on peatland which will include the net effects of the development on climate emissions and loss of carbon. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all applications for wind turbine developments to be assessed against impacts arising from effects on the natural heritage, including birds and to be assessed against impacts on carbon rich soils, using the carbon calculator (including cumulative). Policy 73 – Development Impact on Habitats, Species and Biodiversity requires proposals to incorporate, safeguard and enhance existing site biodiversity wherever possible.

15.2 NatureScot initially advised the ECU they objected until further information was obtained from the Applicant on barrier effects on the Kintyre Goose Roosts SPA. Once this was provided, they would give the proposal further consideration. In respect to disturbance effects they object unless conditions to control the timing of borrow pit blasting activities are applied to any consent to ensure works are undertaken to avoid significant disturbance of wintering Greenland white-fronted geese roosting in Lussa Loch.

15.3 Golden eagle – NatureScot do not consider the effects of habitat/range loss/territory impact for golden eagle have been adequately assessed. A kernel analysis of the most recent full year (minimum) is required to help them understand the extent of this territory.

- 15.4 Osprey – to reduce the risk of collision mortality, NatureScot advise that alternative osprey nesting platforms should be provided further away from the proposal to reduce the risk of collision mortality i.e. to the east of Lussa Loch.
- 15.5 Outline Construction Environmental Management Plan (OCEMP) & subsidiary plans - NatureScot advised that the proposals contained in the OCEMP appear to be broadly appropriate for pollution prevention, protection of protected species and sensitive bird interests and biodiversity enhancement.
- 15.6 NatureScot also provided advice on the Kintyre Goose Lochs SSSI, Bellachantuy and Tangy Gorges SSSI/GCR.
- 15.7 Additional Ornithological Information was submitted by the Applicant in relation to barrier effects on the Kintyre Goose Roosts SPA
- 15.8 NatureScot considered the Additional Information and provided further advice to the ECU in relation to potential barrier effects to Greenland white-fronted goose, part of the Kintyre Goose Roosts Special Protection Area (SPA). They advised that they object unless the proposal is amended/made subject to conditions so that works are done strictly in accordance with their required changes/mitigation.
- 15.9 Golden eagle – NatureScot also noted that the Applicant had not submitted previously requested kernel analysis of the most recent full year of satellite tag data for golden eagle. Their advice remains that until this information is submitted, they cannot make a full assessment of the likely effect of the proposal on golden eagle.
- 15.10 Habitats Regulations – they advise that as the proposal could affect the Kintyre Goose Roosts Special Protection Area (SPA) the site's status means the requirements of the Conservation (Natural Habitats &c) Regulations apply, and the ECU is required to consider the effect of the proposal on the SPA by carrying out an appropriate assessment before it can be consented. Kintyre Goose Roosts Ramsar site and Kintyre Goose Lochs SSSI may also be affected but the interests of these designations are fully addressed as part of the consideration of the SPA. To help the ECU do this NatureScot have advised that if the proposal is undertaken strictly in accordance with the following changes/mitigation, the proposal will not adversely affect the integrity of the site.

Changes - the proposal shall be amended to remove the five most southwest turbines, 15, 24, 26, 28 and 29. Reason: to maintain a clear functional 'corridor' to accommodate the displacement effect on the established flight path between Tangy Loch and Glenbarr.

Mitigation - A programme of Post Construction Monitoring shall be created and funded by the Applicant for satellite tagging of Greenland white-fronted geese in the area, subject to agreement with NatureScot, for at least two years post commissioning. Reason: to help understand cumulative barrier effects arising from the proposal on Greenland white-fronted geese.

- 15.11 Clarification Note from Applicant – the Applicant provided a response to NatureScot's objection. This response focuses on the fact that NatureScot's objection is due to cumulative barrier effects from Cnoc Buidhe with the consented

Tangy IV. The Applicant has proposed a condition that only requires the turbines to be removed in the event that Tangy IV is constructed. Furthermore, that in the event Tangy IV is constructed or the consent remains valid at the time of construction of Cnoc Buidhe that they would then remove the 5 turbines. The Applicant has provided an assessment which concludes that the proposed condition complies with all of the tests set out in Scottish Government Circular 4/1998 "The use of conditions in planning permissions" and that it can be used to address NatureScot's objection.

15.12 The proposed condition is:

1(i) "Subject to condition 1(ii) Turbines X/Y shall not be erected without the written consent of the Planning Authority following consultation with NatureScot.

1(ii) Condition 1(i) shall not apply if the consent issued by the Scottish Ministers for Tangy IV Wind Farm on 20th December 2019 ceases to be capable of lawful implementation before any of the turbines permitted by the consent have been erected.

15.13 Sub-paragraph (i) restricts the erection of the affected turbines, to address NatureScot's concerns. Sub paragraph (ii) removes that restriction if there is no longer potential for cumulative barrier effects because the Tangy IV consent is not implemented.

15.14 NatureScot provided a further response to the Applicant's Clarification note.

15.15 Condition – in principle NatureScot are happy to work towards agreeing a condition. However, they have concerns with the condition proposed. It is NatureScot's understanding that the number of turbines at Tangy (16) has been established and this will not be revisited by the Tangy variation application. There is therefore no mechanism to reduce the number of turbines in Tangy IV (consented or varied). Consequently, the proposed condition is not appropriate in this case.

15.16 If a condition is to be applied, 1(ii) should include wording that also refers to any Varied Development that may be consented at Tangy IV as a result of a Variation Application, given that the principle of the proposal comprising 16 turbines is already established and cannot be varied by the Consenting Authority, unless made subject of a Variation Application by the Applicant. It remains NatureScot's view that the only means to secure the mitigation they deem necessary is the removal of five turbines from the Cnoc Buidhe proposal. The responsibility for determining the most appropriate mechanism to secure this mitigation lies with the ECU and Argyll & Bute Council.

15.17 The Applicant asks whether their proposed condition is sufficient for NatureScot to "remove their objection." This is a misunderstanding of NatureScot's position. The purpose of a conditioned objection is to secure changes/mitigation that NS deem necessary to protect nationally and/or internationally important natural heritage interests. Their response has the status of an objection if conditions to secure mitigation are not attached to any consent granted by Scottish Ministers. Consequently, the objection cannot be removed by providing the wording of the condition. It is the act of applying the condition to any consent that will have the effect of removing it.

- 15.18 RSPB Scotland – advised the ECU they have no comment.
- 15.19 SEPA – initially advised the ECU they objected due to impacts on peat and that they would reconsider their position if the proposals were modified to address issues relating to the relocation of T1, T3, T5, T7, T14 and T27 to shallower peat, modification of T3 track layout, relocation of the track to T25. In addition, SEPA request conditions relating to enabling works, geotechnical clerk of works, construction, and environment management plan, borrow pits – scheme of works, forestry, peat and carbon rich soils, and decommissioning, restoration and aftercare are attached to any consent. If these will not be applied, then SEPA object.
- 15.20 The Applicant provided a justification note to SEPA – it contains plans showing adjusted locations, with reduced peat impacts, of the infrastructure identified in SEPA’s response. The adjusted infrastructure locations are all contained within micro-siting allowances assessed as part of the S36 application and so no additional environmental impacts requiring assessment result.
- 15.21 SEPA considered the justification note and advised the ECU they withdraw their objection subject to conditions outlined in their previous response and a further micro-siting condition. If these will not be applied, then SEPA object.

#### Peat Landslide Hazard Risk Assessment

- 15.22 Ironside Farrar, Peat Landslide Hazard Risk Assessment (PLHRA), Stage 1 Checking Report advised the ECU that the PLHRA required minor revisions. The Applicant provided a response to their comments and at time of writing no further response has been received from Ironside Farrar. Consequently, it is not possible to reach a conclusion on the acceptability of the proposal in this regard.
- 15.23 The Council’s Local Biodiversity Officer (LBO) initially requested further information and amendment: the Plantlife survey including mitigation and proposed enhancement along Drumore Burn, relocation of the hardstand area near T29 to avoid sensitive habitat, fish and Fresh Water Pearl Mussel surveys, a Species Protection Plan to include mitigation for bats, small pearl-bordered fritillary butterfly, reptiles and amphibians. Fish and freshwater pearl mussel should also be included, dependant on the results of the surveys, and a more detailed Biodiversity Enhancement Plan including details of riparian planting in the Drumore Burn Regeneration Management Area, monitoring and management of planted tree species, and management of deer. The applicant should also consider opportunities to enhance habitat for small pearl bordered fritillary butterfly and potential inclusion of hibernacula for reptiles and amphibians.
- 15.24 Response from Applicant – provided further information on Drumore Burn and advised the list of species identified during Plantlife’s Survey are contained in the Habitats and Vegetation Survey Report in the EIAR. The assessment of impacts on the Atlantic Temperate Rainforest along Drumore Burn are presented in Chapter 7 - Ecology. No Significant effects are identified from this assessment and so no additional mitigation is considered necessary. Details on the proposed enhancement are provided in– Biodiversity Enhancement Strategy.

Regarding T29's hardstanding and GWDTEs - no part of T29's hardstanding is sited on NVC Habitat. There are other items of infrastructure within the site which overlap with Habitats of Conservation Concern, totalling a loss of 5.74 ha within the Ecological Study Area. Assessment of impacts on Habitats of Conservation Concern is presented in Chapter 7 – Ecology and concludes a Negligible Significance. Conversely 177.50 ha of Peatland Restoration is proposed as part of the Biodiversity Enhancement measures for which a Minor Positive EIA effect is concluded.

Fish and Freshwater pearl mussels - were scoped out and are not included in the EIAR. Pre-construction fish habitat surveys will ensure watercourse crossings are microsited and habitat features retained or reinstated, as necessary. An Ecological Clerk of Works will supervise the construction of crossings, and post-construction fish habitat surveys and monitoring will be undertaken to ensure mitigation measures are effective

- 15.25 The Local Biodiversity Officer provided the following further advice:
- 15.26 The LBO notes that NatureScot are holding an objection until further information is received and subject to conditions. The Applicant should continue discussions with NatureScot.
- 15.27 Atlantic temperate rainforest is present along the Drumore Burn, immediately adjacent to the site and may be indirectly impacted upon. The LBO notes Plantlife conducted a survey to determine the presence of lichens and bryophytes along Drumore Burn. It appears this survey has not been submitted. **The Construction Environment Management Plan (CEMP) must include strict mitigation measures to ensure no impact upon this sensitive area from the proposal.**
- 15.28 The LBO notes the Applicant is in discussions with SEPA and NatureScot. SEPA have submitted an objection but will reconsider should the proposal be modified to avoid impacting deep peat. The LBO asks that these discussions continue. As per NPF4 Policy 5, the mitigation hierarchy should be adhered to, with areas of deep peat avoided in the first instance.
- 15.29 **Recommendation: The LBO notes a programme of bat mortality monitoring is proposed with information feeding into mitigation measures, including feathering and curtailment, to ensure any negative impacts to foraging / commuting bats is minimal. However, as there are a high number of Pipistrelle spp. recorded within the site, the LBO asks that these mitigation measures are employed as a matter of course where high number of bats were recorded.**

(a) Reduced rotation speed while idling

The reduction in speed resulting from feathering compared with normal idling may reduce fatality rates by up to 50%. As this option does not result in any loss of output, **as best practice, it is recommended wherever it is practically possible and there remains uncertainty over the risk posed to bats.** It can be applied at any site with a blade pitch control system which can be automated using SCADA data.

**Research has shown that feathering and curtailment are effective methods in reducing impacts in some bat species.**

**These should be included in the Species Protection Plan (SPP).**

- 15.30 **Pine Marten - Comments** – The LBO is satisfied with the following proposals: Retention of mature trees with cavities suitable for denning pine martens or compensatory boxes where retention is not feasible. At least five boxes will be installed. The LBO is satisfied with these proposals. Pine marten will be included in the SPP and proposed habitat creation and restoration within the Biodiversity Enhancement Strategy (BES) will benefit pine marten in the long term.
- 15.31 **Small Pearl-Bordered Fritillary Butterfly – Comments** - As a Scottish Biodiversity List (SBL) species and with suitable habitat present, **the LBO ask that this species is included within the proposed SPP and opportunities for habitat enhancement are submitted with the Biodiversity Enhancement Plan (BEP).**
- 15.32 **Amphibians and Reptiles** - to ensure the protection of these during the construction phase, **the LBO asks that they are included in the SPP and CEMP and care is taken during vegetation removal.** If works cannot be completed out with the hibernation period, an Ecological Clerk of Works (ECoW) must be present to oversee vegetation clearance. Should any reptiles or amphibians be discovered, the ECoW should be informed immediately, and the animal should be relocated to an appropriate area. **They should also be included in the BES where the creation of hibernacula would benefit.**
- 15.33 **The LBO notes a Species Protection Plan (SPP), and Biodiversity Enhancement Plan (BEP) are proposed to be submitted post-consent. Due to the loss of habitat and biodiversity, The LBO asks that these are submitted pre-consent to determine appropriate scale of enhancement and mitigation measures proposed to the losses.**
- 15.34 **Fish and Freshwater Pearl Mussel** – the LBO notes that no surveys have yet been submitted. **Due to the potential sensitivities on site, the LBO requests these surveys are submitted.** This information will feed into appropriate mitigation measures necessary. The Applicant should consult with Argyll District Salmon Fishery Board for updated information regarding sensitive species.
- 15.35 **Ornithology** – Golden eagle, white-tailed eagle, osprey, and hen harriers are present within the site and will potentially be impacted upon.

**The cumulative effects of wind farms are having a negative impact on bird species. Appropriate mitigation measures must be implemented to reduce potential impact of bird collision. Research has shown that painting one of the blades black can reduce fatalities. A programme of monitoring should be implemented with results provided to NatureScot, RSPB, and Argyll Raptor Study Group. This information will feed into further mitigation measures which can be altered accordingly to ensure any negative impacts to birds is minimal.**

**A Bird Protection Plan (BPP) will be drafted and agreed with NatureScot. The LBO asks that discussions with NatureScot continue.**

**The LBO notes that NatureScot have requested further information with regards Golden Eagle and Osprey. The LBO asks that these discussions continue.**

15.36 **Biodiversity Enhancement Plan (BEP)** – the LBO notes the information within the BES will feed into this document after consultation with ABC, NS, SEPA and other relevant stakeholders.

15.37 **Biodiversity Enhancement Strategy (BES)**

- For peatland restoration the LBO asks the Applicant to continue consulting with NatureScot and SEPA. The recommendations as set out within NatureScot's Advising on Peatland Guidance should be adhered to - compensation restoration of a 1:10 ratio (lost restored) as well as 10% enhancement.
- The LBO asks that a detailed programme of tree planting be submitted to include species which must be native and appropriate to the locality of the area and sourced locally, location, age, timing of planting and a schedule of monitoring and maintenance until such a time as the trees become established.
- Small pearl-bordered fritillary butterflies are present on site and should be included in the BEP.
- Amphibians and reptiles are present on site and should be included in the BEP. The LBO notes that a BEP Steering Group is proposed to be established to discuss, coordinate, and deliver the detailed BEP. The LBO asks that external consultees with expertise within the necessary areas are consulted to ensure all enhancement measures are appropriate.

15.38 **Species Protection Plan (SPP) – the LBO asks this is submitted pre-consent to determine if the compensation, enhancement, and mitigation measures proposed are appropriate to the scale and impact of the proposed development.** As stated in the Bats section, prevention of bat mortality should be priority. Therefore, while a programme of monitoring of bat mortality is still necessary to aid in further mitigation measures, the practice of feathering and curtailment should be implemented as a matter of course.

15.39 **Bird Protection Plan (BPP)** - The Applicant has stated this will be drafted and agreed upon with NatureScot.

15.40 It has not been possible to reach a conclusion on ornithology due to the outstanding information requested by NatureScot in respect to a kernel analysis for golden eagle and alternative raft locations for Osprey. Furthermore, Officers do not agree that a suspensive condition is the best mechanism to secure the removal of five wind turbines in the interests of mitigating barrier effects on Greenland white-fronted geese. It is considered that this amendment to the proposal would constitute a material change which could have implications for the wider proposal that are unclear at this time and require to be explored e.g. environmental impacts, infrastructure re-design, and requirement for re-consultation. To apply such a condition could result in an unreasonable and unimplementable consent. It is recommended that the Council object unless this important mitigation to protect Greenland white-fronted geese is undertaken in advance of determining this application. It is, therefore, recommended that the proposal should be amended accordingly and be subject to a further period of formal consultation prior to any determination by the ECU or Scottish Ministers.

- 15.41 **Having due regard to the above due to outstanding information relating to Golden eagles, Osprey and the Peat Landslide Hazard Risk Assessment and need for amendment required by NatureScot it is not possible to reach a conclusion on whether the proposal is consistent with the provisions of Policies 11 – Energy, 3 Biodiversity, 5 – Soils and Policies 30 – The Sustainable Growth of Renewables of and 79 – Protection of Soil and Peat Resources of LDP2. If consent is granted the conditions recommended by NatureScot, SEPA, and the Local Biodiversity Officer should be included.**

## **16. TREES, WOODS, AND FORESTS**

- 16.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how impacts on trees, woods and forests have been addressed. Policy 6 – Forestry, woodland, and Trees of NPF4 intent is to protect and expand forests, woodland, and trees. Policy 77 – Forestry, Woodland, and Trees of LDP2 states that there is a strong presumption in favour of protecting woodland resources. Policy 78 – Woodland Removal of LDP2 states that proposals that involve the removal of woodland resources will be assessed against the criteria for determining the acceptability of woodland removal, in accordance with the Scottish Government’s Control of Woodland Removal Policy. Where this assessment concludes that compensatory planting would be appropriate, developers will need to provide for this in accordance with the advice in the Scottish Government’s Control of Woodland Removal Policy.
- 16.2 Scottish Forestry have advised the ECU that further information should be provided in the Forestry Plan to demonstrate full compliance with the UK Forestry Standard. The applicant should provide an assessment, as per the “Deciding future management options for afforested deep peatland,” to determine if the Priority Habitat restocking exemption applies in this case. The applicant should clarify the total area of woodland loss to ensure that the correct area of compensatory planting is applied. Compensatory planting for the woodland lost, other than that converted to Priority Habitat peatland, should be secured by a condition to any consent. Furthermore, it is not clear whether forest lost to new roads has been included in the woodland loss figure and this should also be clarified. Finally, the appropriate consenting route required to accommodate construction, including infrastructure and management felling, totalling 1,041.3ha would be the S36 consent. Restocking of management felling areas and compensatory planting relating to permanent woodland loss would also be via the S36 consent. Any felling and restocking not required for the development should follow the usual consenting routes under the Forestry and Land Management (Scotland) Act 2018.
- 16.3 The Applicant has provided a response to the points raised by Scottish Forestry at time of writing there is no response from them to confirm they are satisfied with the information provided.
- 16.4 **Having due regard to the above it has not been possible to reach a conclusion on this matter due to fact that there is no response from Scottish Forestry on the further information provided by the Applicant. It is therefore not possible to assess whether the proposal is consistent with the provisions of Policies 11 – Energy and 6 – Forestry, woodland, and Trees of NPF4, and Policies 30 – The Sustainable Growth of Renewables; 77 – Forestry, Woodland, and Trees and 78 – Woodland Removal of the LDP2**

## 17. MINERALS

- 17.1 Policy 33 – Minerals of NPF4 states that proposals for borrow pits will only be supported where the proposal is tied to a specific project and is time-limited, the proposal complies with the mineral extraction criteria in Policy 33 taking into account the temporary nature of the development, and appropriate restoration proposals are enforceable and Policy 31 – Minerals of LDP2 states that proposals for mineral extraction will generally be supported for borrow pits where the proposal is found to be acceptable after being assessed against NPF4 Policy 33 criterion e).
- 17.2 In order to minimise the volume of material imported to the site and any associated environmental impacts associated with increased traffic, it is anticipated that some stone will be sourced from an onsite borrow pit. It will likely be necessary to import some stone to the site. Aggregate will be required for the construction of access tracks (18.2 km of new track and 9.8 km of upgraded track), crane pads, and compounds. Some material is expected to be gained from new cut and fill construction, but this is not expected to generate sufficient aggregate for all on-site requirements. There is therefore a need for additional excavation of aggregate material. An existing borrow pit/quarry is present within the site and is used to provide aggregate for ongoing forestry activities, however this existing source is required for use by FLS.
- 17.3 **Having due regard to the above taking into account that the proposed borrow pits are tied to the proposal and subject to a condition to secure details of the borrow pits and a borrow pit restoration plan being attached to any consent it is concluded that the proposal is consistent with the provisions of Policy 33 – Minerals of NPF4 and Policy 31 – Minerals of LDP2 in this regard, subject to a condition to secure details of the borrow pit and a borrow pit restoration plan.**

## 18. DECOMMISSIONING, SITE RESTORATION AND QUALITY OF SITE RESTORATION PLANS

- 18.1 Policy 11 – Energy of NPF4 requires that project design and mitigation demonstrate how the decommissioning of developments, including ancillary infrastructure, and site restoration have been addressed. It also requires that project design and mitigation demonstrate how the quality of site restoration plans have been addressed including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans. Policy 30 – The Sustainable Growth of Renewables of the LDP2 requires consideration to be given to the long-term environmental management of the site.
- 18.2 The proposal is expected to operate for up to 40 years following which decommissioning of the wind turbines and other infrastructure and site restoration would be undertaken as required. Any alternative to this action would be subject to a further consenting process.
- 18.3 It is recommended that this matter is covered by planning conditions consistent with other projects across Argyll & Bute if the proposal obtains consent from the ECU.

**18.4 Having due regard to the above it is concluded that subject to an appropriate condition being attached if the proposal receives consent the proposal is consistent with the provisions of Policy 11 – Energy of NPF4 and Policy 30 - The Sustainable Growth of Renewables of the LDP2**

## **19. CUMULATIVE IMPACTS**

19.1 Policy 11 – Energy of NPF4 requires that project design and mitigation will demonstrate how cumulative impacts have been addressed. Policy 30 – The Sustainable Growth of Renewables of the LDP2 also requires cumulative impacts to be addressed. Any cumulative impacts which have been identified are covered in the preceding sections of this report.

## **20. RENEWABLE ENERGY GENERATION TARGETS AND GREENHOUSE GAS EMISSIONS REDUCTION TARGETS.**

20.1 Policy 11 – Energy of NPF4 requires that, in considering the impacts of the proposal, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 1 – Tackling the climate and nature crises of NPF4 requires that when considering proposals significant weight will be given to the global climate and nature crises. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires all renewable developments to be assessed against the scale of contribution to renewable energy generation targets and greenhouse gas emissions.

20.2 Renewable Electricity Generation - Both UK and Scottish Government energy policy recognises the need for substantial increases in renewable energy generation if the transition towards net zero is to be achieved. The proposed turbines will have a combined rated output of around 191.4 MW. A battery energy storage system will also be installed with a capacity of up to 108.6 MW giving a total capacity for the proposal of around 300 MW. The prospective electricity generation from the proposed wind turbines equates to the annual power consumed by up to approximately 235,000 average Scottish households.

20.3 Greenhouse Gas Emissions – The proposal would reduce greenhouse gas emissions through replacing fossil fuel generation. The length of time a wind turbine needs to be in operation before it has, by displacing fossil fuel energy generation, avoided as much carbon dioxide as was released in its lifecycle is known as the carbon payback period. A carbon balance assessment has been undertaken using the Scottish Government’s carbon calculator. The results show that the wind farm component of the proposal is estimated to produce annual carbon savings of over 300,000 tonnes of CO<sub>2</sub>e per year, through the displacement of grid electricity, based on the current fossil fuel grid mix. The estimated payback time, using the Scottish Government Carbon Calculator is 1.1 years, with a minimum/maximum range of 0.7 to 1.9 years, based on the fossil fuel mix of the electricity grid. The proposal is evaluated to have an overall beneficial effect on the carbon emissions associated with energy production.

**20.4 Having due regard to the above it is considered that the proposal is consistent with the provisions of Policies 1 – Tackling the climate and nature crisis and 11 – Energy of NPF 4, and Policies 30 – The Sustainable**

**Growth of Renewables and 04 – Sustainable Development of LDP2 in respect to renewable energy generation targets and greenhouse gas emissions reduction targets.**

**21. GRID CAPACITY & ENERGY STORAGE**

- 21.1 Policy 11 – Energy of NPF4 requires that grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. Furthermore, that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, which include energy storage. Policy 30 – The Sustainable Growth of Renewables of LDP2 requires the Council to have regard to the opportunities for energy storage.
- 21.2 Grid Capacity - Connection to Electricity Grid - The electrical power produced by the individual wind turbines (as well as that stored in the BESS) will be transmitted to the proposed Substation via underground cables. A connection to the national grid's electricity system will be required. The Applicant holds a grid connection offer of 2029. The grid connection does not form part of the Proposed Development and is not the subject of the Application. A separate Section 37 application under the 1989 Act will be made to the Scottish Ministers by Scottish and Southern Energy Networks (SSEN).
- 21.3 Energy storage – It is proposed that a Battery Energy Storage System (BESS) with a capacity of up to approximately 108.6 MW in total will be constructed within the substation compound to enable co-location of BESS with the proposed wind turbines. It is anticipated that the preferred choice will be Li-ion batteries, contained within secure steel shipping-like containers. When needed, the energy stored in the batteries will be transferred to 33 kV transformers within the BESS compound then onto the 33 kV substation via underground electrical cable from the BESS substation.
- 21.4 The BESS will consist of batteries, inverters, heating, ventilation, and air conditioning (HVAC) units, fire protection and auxiliary components all contained and banded within secure steel shipping-like containers. The exact technology will be confirmed at the time of procurement.
- 21.5 Up to 54 units are anticipated with an approximate output capacity of 2 MW each. Each BESS unit will be approximately 9.1 m x 1.6 m, with a height of up to 2.5 m. Should the rating of each BESS unit increase due to improvements in technology at the time of deployment (e.g. each unit has an approximate output capacity of more than 2 MW each) then fewer BESS containers would be required.
- 21.6 Fire Safety issues have been raised regarding the BESS. The Applicant has confirmed that the inclusion of a Battery as part of the development was considered within each EIA chapter, with no significant effects concluded. They have advised that they will agree a Fire Safety Plan, as part of the condition discharging process in consultation with the HSE and local fire brigade to ensure there's local capability to manage any potential fire.
- 21.7 The Health and Safety Executive were consulted by the ECU and have advised they have no comment.

**21.8 Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy 11 – Energy of NPF 4, and Policy 30 – The Sustainable Growth of Renewables of the ABLDP2 in respect to Grid Capacity and Energy Storage.**

## **22. PERPETUITY**

22.1 Policy 11 – Energy of NPF4 requires that consents for proposals may be time limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity. It is acknowledged that areas identified for wind farms are expected to be suitable for use in perpetuity. However, as the expected operational life of the proposal is 40 years from the date of commissioning, should consent be granted, Officers would expect it to be time limited to 40 years to reflect the life of the wind farm as detailed in the EIAR.

## **23. CONCLUSION**

23.1 This proposal is classed as “Strategic Renewable Electricity Generation” - a National Development, in terms of the Spatial Strategy given its capacity to generate and store more than 50MW. In principle, there is support for this scale of development given its importance in the delivery of Scotland's Spatial Strategy. However, such projects are still required to be assessed against the provisions of the Development Plan, which consists of NPF4 and LDP 2.

23.2 The lead Development Plan policies support renewable energy development in principle but require proposals to be assessed against the criterion detailed in this report. While the weight to be given to each of the considerations is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. However, a balance still requires to be reached in terms of the impact of the development.

23.3 In relation to landscape and visual impacts NPF4 advises that where impacts are localised and/or appropriate design mitigation has been applied such effects will be considered acceptable. However, NPF4 must be read as a whole, and detailed consideration given to linked policies. Policy 4 (Natural Places) – sets out that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. Whilst it is considered that this proposal will have a significant landscape and visual impact, it is not considered that it warrants an objection

23.4 The Scottish Government gives considerable commitment to renewable energy and encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. This is not however blanket support without qualification. In considering the appropriateness of the development, significant weight has been given to these matters.

## **24. RECOMMENDATION**

**24.1 That the ECU be notified accordingly that:**

**(1) Ornithology** - Argyll & Bute Council has been **unable to reach a conclusion on ornithology** due to the **outstanding information** requested by NatureScot in

respect to a kernel analysis for golden eagle and alternative raft locations for Osprey.

Furthermore, the Council **does not agree** that a suspensive condition is the best mechanism to secure the removal of five wind turbines in the interests of mitigating barrier effects on Greenland white-fronted geese. It is considered that this amendment to the proposal would constitute a material change which could have implications for the wider proposal that are unclear at this time and require to be explored e.g. environmental impacts, infrastructure re-design, and requirement for re-consultation. To apply such a condition could result in an unreasonable and unimplementable consent.

Argyll & Bute Council **OBJECT** unless this **important mitigation** to protect Greenland white-fronted geese is undertaken in **advance** of determining this application. It is, therefore, recommended that the proposal should be amended accordingly and be subject to a further period of formal consultation prior to any determination by the ECU or Scottish Ministers.

**(2) Peat Landslide Hazard Risk Assessment** - Argyll & Bute Council has been **unable to reach a conclusion in respect to the Peat Landslide Hazard Risk Assessment** (NPF4 Policies 5 and 11 and LDP2 30 and 79) as no response has been provided by Ironside Farrar on the further information provided by the Applicant. Argyll & Bute Council **OBJECT** unless this issue is resolved to the satisfaction of Ironside Farrar prior to determination of this application by the ECU. Should this issue not be resolved the Council would defer to Ironside Farrar (or any other body appointed by the ECU to provide expert guidance on this matter) in the event of a PLI.

**(3) Scottish Forestry** – Argyll & Bute Council **has been unable to reach a conclusion within the time afforded in respect to Forestry** as no updated response has been provided by Scottish Forestry to clarify they are satisfied with the Applicant's response. Argyll & Bute Council are therefore not in a position to confirm whether the proposal is consistent with the relevant provisions of NPF4 Policies 6 and 11 and LDP2 Policies 77 and 78 and would recommend that the ECU consider these matters prior to determination.

**(4) Archaeological Impact** - Argyll & Bute Council has **no objection in respect to Archaeological Impact**, subject to a **condition and advisory note** to secure the recommendations of the **West of Scotland Archaeology Service** being attached to any grant of consent for a Written Scheme of Investigation (WSI) for archaeological mitigation measures and an advisory note that the Applicant ensures they have all necessary legal permissions for any elements of their archaeological mitigation. Specifically, in regard to the RAF Hudson aircraft crash site mitigation proposals which may require a license from the MoD if it is to be disturbed.

**(5) Public Access** - Argyll & Bute Council has **no objection in respect to Public Access** subject to **advisory notes** being attached to any consent to ensure that any Access Controls i.e. gates, and cattle grids comply with the **British Horse Society Guidance**. Furthermore, that public access during construction should comply with **NatureScot guidance 'Good practice during wind farm construction.'**

**(6) Landscape & Visual Impact** - Argyll & Bute Council has **no objection in respect to landscape and visual impact** subject to a condition to secure further

aviation lighting mitigation in the form of an Aircraft Detection Lighting System being attached to any consent.

**(7) Biodiversity Impact** - Argyll & Bute Council has **no objection in respect to Biodiversity Impact**, subject to conditions to secure the recommendations of the Local Biodiversity Officer being attached to any consent.

**(8) Noise Impact** - Argyll & Bute Council has **no objection in respect to noise impact**, subject to suitably worded conditions to limit the noise levels, tonality, and amplitude modulation to control noise levels from the proposal and provide appropriate noise mitigation as recommended and agreed by the Council's Noise Consultant being attached to any consent.

**(9) Flood Risk** - Argyll & Bute has **no objection in respect to flood risk** subject to conditions to secure the recommendations of the Flood Risk Assessor being attached to any consent:

- To ensure watercourse crossings are designed to convey the 1 in 200 year plus climate change flood event.
- Surface water drainage is designed in accordance with CIRIA C753 and ensures that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

**(10) Argyll & Bute Council requests that all conditions recommended by other consultees are included in any Consent with exception to the condition requiring removal of 5 turbines referred to at (1) above.**